

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, November 29, 2023
10:25 a.m.

BOARD MEMBERS PRESENT:

David L. Mammina, Absent
Leslie Francis, Vice Chairman
Daniel D. Donatelli, Absent
Patricia A. Goodsell, Member
Jay Hernandez, Member

ALSO PRESENT:

Deborah Algios, Town Attorney
Virginia Wagner, Secretary
Steven Perrotta, Planner
Amy Boguszewski, Stenographer

Proceedings

VICE CHAIRMAN FRANCIS: If everyone would please rise and join Ms. Goodsell in the Pledge of Allegiance.

(Following recitation of the Pledge of Allegiance, the meeting was called to order.)

VICE CHAIRMAN FRANCIS: All right. As you can tell, we are a little short-staffed today, so that only means we will get finished faster than we normally do.

If you are new to the Board of Zoning Appeals at North Hempstead, I will just go through a few items. There are nine matters on today. The applicant will, obviously, present their case first. If there is any opposition to the application, the person or persons with opposition can speak after the first presentation, and then the applicant will get a second time to come up after we hear what is the opposition's points. If there is opposition, we hold you to a three-minute maximum. We don't cut off your head if you go over three minutes, but try and stay right around three minutes in terms of your comments. What else?

We will either grant applications today, deny applications, reserve them, meaning that we will decide them at a later date, or we will continue them

1 Proceedings

2 for additional information. So those are the four
3 things that we can do as a Board. And I think that's
4 about it. Cell phones, yes. Please put your cell
5 phones on silent or however you have it so that it
6 doesn't ring. And, hopefully, we will have a good
7 hearing today.

8 Ginny, are there any adjournments?

9 SECRETARY WAGNER: Yes, Chairman. We have an
10 adjournment of Appeal #21479 - Ezra Sternstein; 124
11 Old Mill Road, Great Neck; Section 2, Block 45,
12 Lot22; Zoned: Residence-A.

13 Variances from §§70-100.2(K) and
14 70-100.2(A)(2) to install a gas generator in a front
15 yard and to legalize fencing in a front yard.

16 This is an adjournment request, so we should
17 vote on this

18 MEMBER GOODSELL: All right. I will move
19 that we grant the adjournment.

20 VICE CHAIRMAN FRANCIS: We have a motion. Do
21 we have a second?

22 MEMBER HERNANDEZ: Second.

23 VICE CHAIRMAN FRANCIS: Okay. Please poll
24 the Board.

25 SECRETARY WAGNER: Member Hernandez.

26 MEMBER HERNANDEZ: Aye.

1 Proceedings

2 SECRETARY WAGNER: Member Goodsell.

3 MEMBER GOODSELL: Aye.

4 SECRETARY WAGNER: Acting Chairman Francis.

5 VICE CHAIRMAN FRANCIS: Aye. The application
6 is adjourned.

7 SECRETARY WAGNER: That is adjourned until
8 December 20th.

9 And the next one for adjournment is Appeal
10 #21482 - Phyllis Scobbo; 1212 Port Washington Blvd.,
11 Port Washington; Section 5, Block 25, Lot 4; Zoned:
12 Residence-C/Business-B.

13 Variances from §§ 70-51.A, 70-101.1.B,
14 70-208.F and 70-100.2(4)(a)[5] to legalize a
15 two-story rear addition too close to a side property
16 line and expanding a non-conforming dwelling, a
17 roofed-over patio too close to a side property line,
18 and a fence that is too high on a property with a
19 non-conforming dwelling in a business district being
20 reviewed under the rules of the Residence-C district
21 pursuant to § 70-208.K.

22 We are just checking on the adjournment date
23 for that. We believe that will be adjourned to
24 January, but we are going to check on that request.

25 VICE CHAIRMAN FRANCIS: Okay. So those two
26 applications will not be heard today, if you are here

1 Proceedings

2 on those

3 SECRETARY WAGNER: Steve is just checking on
4 the adjournment date. Do you want to take the vote
5 and then we will get the date?

6 VICE CHAIRMAN FRANCIS: Yes, sure.

7 MEMBER GOODSSELL: I make a motion that we
8 adjourn Appeal #21482 to a later date

9 MEMBER HERNANDEZ: Second.

10 SECRETARY WAGNER: Member Goodsell.

11 MEMBER GOODSSELL: Aye.

12 SECRETARY WAGNER: Member Hernandez.

13 MEMBER HERNANDEZ: Aye.

14 SECRETARY WAGNER: Acting Chairman Francis.

15 VICE CHAIRMAN FRANCIS: Aye.

16 SECRETARY WAGNER: Okay. We will get that
17 exact date.

18

19

20

21

22

23

24

25

26

1 Appeal #21478

2 SECRETARY WAGNER: The first Appeal is Appeal
3 #21478 - Karen and Adam Zalta; 10 Parkside Drive,
4 Great Neck; Section 2, Block 35, Lot 17; Zoned:
5 Residence-A.

6 Variance from §70-29.B to construct additions
7 that would make a home too big.

8 VICE CHAIRMAN FRANCIS: You've heard Appeal
9 #21478 - Karen and Adam Zalta. Is there anyone
10 interested in the application other than the
11 applicant? Seeing one hand. Sir, you will have a
12 chance after the presentation

13 MR. HADAS: Good morning

14 VICE CHAIRMAN FRANCIS: Good morning. Please
15 give your name and address.

16 MR. HADAS: My name is Dov Hadas, Architect;
17 600 Shore Road, Long Beach, New York 11561. I am
18 here representing Adam and Karen Zalta at 10 Parkside
19 Drive in Great Neck.

20 We are here to discuss the variance --
21 requesting a variance for a floor area that exceeds
22 the maximum that the Town allows, section 70-29. The
23 maximum allowed for this particular lot and for this
24 particular area is 3,764. We are requesting over
25 about 415 square feet above that, which would bring
26 us to 4,179 square feet.

1 Appeal #21478

2 VICE CHAIRMAN FRANCIS: Tell us why.

3 MR. HADAS: I'm sorry?

4 VICE CHAIRMAN FRANCIS: Tell us why.

5 MR. HADAS: Why? Okay. I will tell you why

6 MEMBER GOODSELL: We will listen to anything
7 you have to say.

8 MR. HADAS: Let me give you an overview of
9 the property. The property is, approximately, a 140
10 feet by 75 feet frontage. It is set on Parkside
11 Drive. The backyard is just under Bayview Drive, I
12 believe it is. There is a little creek. So the rear
13 of the property just abuts that creek. All together,
14 the property is 10,564 -- I believe 10,456 square
15 feet. The building itself, the house itself as it is
16 occupies about 15 percent of the property. We are
17 requesting to enlarge the house for a lot coverage of
18 22 percent. The enlargement is going to be on the
19 first floor and on the second floor. Besides the
20 request to enlarge, to allow us the additional floor
21 area, every other parameter of the Zoning laws is
22 totally very strictly adhered.

23 The house -- the portion of the house is 10
24 feet of each side yard. The front garage portion of
25 it is 10 feet from each side yard. However, we are
26 maintaining 12 and a half feet from that addition.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

So we don't build -- we would like to build over the existing garage, but we don't build over the garage exactly. We push it back 2 and a half feet so that we comply with the side yard of 12 and a half feet. 10 feet will remain on the other side. We don't have any front yard issue because we are just about within the average front yard setback. And we certainly don't have any issues with a rear yard setback. We don't have any issues with the height or anything else. The floor area is the only area that we exceed.

As far as why we want to get there. Mr. and Mrs. Zalta have been living in the house for more than 20 years. They decided it's about time to for them to enlarge the house. They have four children, three girls and one boy. They want to get a large Kosher kitchen, so we are extending the lower floor to give them that ability. The dining room, it has to be enlarged with the four children. Hopefully, the grandchildren will come very soon. They will need a much larger dining room to accommodate the entire family. They want to create from that kitchen and dining area, we want to get some kind of a great room effect, so we enlarged that space.

Currently, there is a deck on the rear yard,

Appeal #21478

1
2 which we are going to eliminate that deck and we are
3 just going to build there. We are not going to have
4 a deck over there, as we do have a balcony on the
5 second floor. On the second floor, we are going to
6 have four bedrooms for the children. Obviously, the
7 children are not young, but they still need some
8 space or they need space for maybe larger beds, maybe
9 a study area, maybe a little space for entertainment.
10 So the rooms are good in size. I wouldn't say they
11 are tremendous, I wouldn't say they are huge, but
12 they are very comfortable in size.

13 The master bedroom after so many years, Adam
14 and Karen deserve to have their own master bedroom
15 suite with their own walk-in closet and their own
16 master bathroom. So that's what we have. We have
17 nice spaces for them and that's where we consume the
18 entire area, that's where it is.

19 MEMBER GOODSSELL: So there will be five
20 bedrooms.

21 MR. HADAS: There will be five bedrooms all
22 together, one per child and one for the parents. And
23 the roof, we maintain most of the roof with the
24 exception of the new areas that we are going to
25 connect to the existing roof. We are not going to go
26 above the height. Actually, in many cases, we are

Appeal #21478

1
2 below the height during the existing. And as I said,
3 we are building over the garage. We are building on
4 the front yard, so essentially we are adding. The
5 house is situated where the front of the house is at
6 the same level on both the first and second floor,
7 but the only exception is the garage. The garage
8 only occupies about 20 percent of the front yard.
9 So, you know, we have a small area there and that's
10 it. That's all we have.

11 We are doing a fairly simple addition. We
12 are maintaining the same character of the house. The
13 house is brick on the outside. We are keeping the
14 brick on the other -- on the new addition. So
15 everything is going to look the same. Nothing is
16 going to change much. From the front, you hardly
17 will notice any changes to the house. From the rear,
18 you come from the creek, you will see the
19 differences, so that's what it is

20 VICE CHAIRMAN FRANCIS: Do you have any
21 evidence of any other houses in this neighborhood
22 that are as big as the one you are proposing?

23 MR. HADAS: I don't have any evidence, no,
24 but I did look at Google and I saw that there are
25 plenty of houses that appear to be just as big as
26 that, sometimes even bigger than that. And as I

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

said, we are hardly enlarging the house. From the street, from Parkside, you can hardly notice that the house will be enlarged because it will almost appear the same as you go down Parkside, except with the exception of that little addition over the garage

MEMBER GOODSSELL: We all look at the property. We all go and look at all of these properties.

MR. HADAS: I am sure you do

MEMBER GOODSSELL: So when I drove down that street --

MR. HADAS: Yes.

MEMBER GOODSSELL: And don't take this in a negative way. I do agree that the house could use an update.

MR. HADAS: Yes.

MEMBER GOODSSELL: I see that there are several houses that are much nicer than this one a little bit a few houses away.

MR. HADAS: Yes.

MEMBER GOODSSELL: And I can understand why your client would want to make improvements to it.

MR. HADAS: Yes.

MEMBER GOODSSELL: Now, I will ask you what the Board always asks people. You are an architect. You are aware of the GFA requirements and you are asking us to go over 415

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

square feet, not 15 square feet, not 20 square feet, 415 square feet.

MR. HADAS: 415, yes.

MEMBER GOODSSELL: Can you tell us why the family needs the house to be this big?

MR. HADAS: Well --

MEMBER GOODSSELL: Not the number of bedrooms. I heard your request for that, that there are children and the master bedroom. I do understand that, but why the house needs to be this big.

MR. HADAS: I will give you the answer on two issues. Number one, I still have to stress the fact that the house is only 22 percent, lot coverage is only 22 percent. So we are not expanding in the house that much. The other reason is we want to maintain. We want to control -- have some control of the cost. We tried to keep the existing walls and the existing layout of the house as much as possible. Obviously, it's impossible to do that, but as much as possible. We want to maintain the same structure so we wouldn't have to demolish more and support and headers and all that stuff in order to accommodate the house. So fortunately, much of it stays pretty much the same. We are just adding in certain areas to accommodate, as I said, the master bedroom and the other bedrooms in the house. And we are building right over the existing, plus the additional first floor.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER GOODSSELL: You are going to come back out into the backyard because you said you are demolishing over the existing deck.

MR. HADAS: We are going to come back just a little bit over the existing yard and we are building over the existing garage. So, you know, we don't want to expand the house too much as far as lot coverage.

MEMBER HERNANDEZ: I'm sorry. You keep repeating that you are building over the existing garage, which is a very natural additional. I did it myself many years ago, okay. But from your plans, you are adding another -- it's like 17, 18 more feet behind the garage, correct?

MR. HADAS: We are adding all together about 700 square feet on the first floor.

MEMBER HERNANDEZ: Right. But you keep saying you are building over the garage.

MR. HADAS: Yeah.

MEMBER HERNANDEZ: But it's not just building over the garage, you are also adding behind the garage.

MR. HADAS: Yeah, absolutely.

MEMBER HERNANDEZ: On the ground floor and on the second floor.

MR. HADAS: Absolutely.

MEMBER HERNANDEZ: Now, I just wanted it for the record. It's not just the garage. It's 16 feet 11 and a half

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

inches is what you are adding. Actually, no, you have the bathroom also. So you have 21 feet that you are adding behind the garage, just to keep the record straight.

MR. HADAS: Yeah.

MEMBER GOODSSELL: The back of the house, does it back up on to a public area? You said it backs up on to a creek?

MR. HADAS: No. The creek is way in the back. The creek is actually outside of the property between the rear of the property and the street, Bayview-something or other.

MEMBER GOODSSELL: Is there a house behind this house?

MR. HADAS: No.

MEMBER GOODSSELL: Would you address the five factors for us?

MR. HADAS: I'm sorry?

MEMBER GOODSSELL: The five factors that we consider whether to grant the variance or not, could you address each of those?

MR. HADAS: The five factors?

MEMBER GOODSSELL: And if you don't have them on the podium, we will give them to you.

MR. PERROTTA: They are on the podium.

MR. HADAS: Well, number one, I don't see that it's going to create any objectionable fact on the street. I think that the street is going to remain pretty much the same. The addition actually is going to be in line with the existing

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

house.

VICE CHAIRMAN FRANCIS: So you are saying from the street, there is no visible impact on what you are doing?

MR. HADAS: Minimal.

VICE CHAIRMAN FRANCIS: So there is?

MR. HADAS: There is going to be an impact because, obviously, we are expanding the garage on the second floor, so that will be the only change. But we are going to use the same brick as we have in the front of the house so it's going to match the house. And if you had past by the house and you didn't notice that the garage is one story, you wouldn't know that there is anything else.

VICE CHAIRMAN FRANCIS: So the house will look bigger from the street than it is right now?

MEMBER GOODSSELL: Slightly bigger.

MR. HADAS: Well, bigger on the second floor, yes. Same footprint on the first floor. And as I said, it only encompasses 20 percent of the facade of the house. So, you know, if you divide it by two, it's only going to be 10 percent effect. I don't know if there is going to be any alternative for the variance, except --

MEMBER GOODSSELL: Well, except redesigning the plans to eliminate 415.

MR. HADAS: And eliminating 415 square feet, then we wouldn't have to be here again. We can just go ahead and build

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

the house as of right.

MEMBER GOODSSELL: That is correct. That is one of the factors that we have to consider.

MR. HADAS: That's the reason why we are here. We want to request. We want to have a comfortable living space for my client.

VICE CHAIRMAN FRANCIS: You know if our Chairman was here who is an architect, he would say that he could find 400-plus feet to eliminate from your plans very easily.

MEMBER GOODSSELL: He always does that. He takes a red pen and he marks things up.

VICE CHAIRMAN FRANCIS: He is very good at it.

MEMBER GOODSSELL: So really, what you are saying, then, is you are requesting the larger house because this is going to be of some benefit to the family?

MR. HADAS: Yes. Yes, absolutely. As I said, it's a matter of cost because we tried to use as much of the existing as possible and it's a matter of being comfortable, having nice sized-bedrooms. We don't want to squeeze into a minimum-sized bedroom. According to state code, it's 70 square feet. We don't want to have 70-square-foot bedroom. We want to get something a little bit more comfortable than that, so, you know.

MEMBER HERNANDEZ: No one is suggesting that you should be doing that.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. HADAS: Yes.

MEMBER HERNANDEZ: But again, it's one thing to have 70 square feet versus 300 square feet, you know. You can also --

MR. HADAS: The house, according to what I found out, the house was built in 1939. I believe that was the first record of that house. In 1939, they built houses differently than we use them today, spaces where whatever. We have to live with that. This is what we have. This is the card that we have been dealt with.

MEMBER GOODSSELL: One of the other questions is, is the requested variance substantial? And I will tell you that the Board feels that the answer is yes, it is. You are 415 feet over what is normally allowed.

VICE CHAIRMAN FRANCIS: And if you look at the other houses on the block, none of them are built over the garage.

MEMBER GOODSSELL: I did not notice that. I, for one, would like to go back and take a look. Because I have looked at these plans, I looked at the neighborhood, and I looked at this house, but I did not notice whether or not there were other houses. There seemed to be several houses on that street in that section of the street that were built at, approximately, the same time. They have a similar look to them. I did not notice whether any of them had built over the garage or not. Now, this looks like a flat roof garage right now, which I don't believe we build anymore, so it's a little

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

dated. But is the requested variance substantial? Yes, we do feel it is. And is the variance self-created? Well, yes, it is because you are drawing the plans that create the problem. I am not saying that's a determinative factor. But the last is, will it have an adverse impact on the environmental conditions of the neighborhood? Is there something about this addition that affects the totality of the neighborhood?

MR. HADAS: I don't see how. I don't believe so. I don't believe it will. I mean, we are not changing the number of occupants. It's still four children and parents. And we are not changing the number of units. It's still going to be a single-family dwelling.

MEMBER GOODSSELL: Does it have five bedrooms currently?

MR. HADAS: Currently, it has three bedrooms.

MEMBER GOODSSELL: Three bedrooms?

MR. HADAS: Yes.

VICE CHAIRMAN FRANCIS: Well, it certainly is not going to be in keeping with the character of the neighborhood once you build over the garage because there are minimal houses on the street that have done the same. So those are factors that are --

MR. HADAS: Well, I will tell you that your Chairman and architect will tell you that you don't have to copy what other architects are doing.

VICE CHAIRMAN FRANCIS: No, you do not. But we do have

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

to balance whether or not your house is going to stick out like a sore thumb in a neighborhood where there is no other house like it. So, you know, my architect, the Chairman would tell you maybe you might want to think of redesigning this house because it's not looking very good from the standpoint of at least one Board Member.

MEMBER GOODSSELL: And I have no problem with your presentation, but I, for one, would like to go back and see if there are, at least on that street, anyone else who has built over the garage. And if they have, to what extent they have. I would also like our Chairman to take a look at the plans.

MR. HADAS: Yes.

MEMBER GOODSSELL: So I think, Mr. Chairman, we may want to --

VICE CHAIRMAN FRANCIS: Well, we have a gentleman that wants to speak.

MEMBER GOODSSELL: Yes, there is someone that wants to speak.

MEMBER HERNANDEZ: I would like to just -- again, you are putting a lot of emphasis of building over the garage. Like I said, I built over my garage in a different neighborhood. I am in Manhasset, but I built over my garage. But this is also extending the back of the house, as well. So the square footage is not all over the garage.

VICE CHAIRMAN FRANCIS: Correct.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER HERNANDEZ: Like he said, 20 percent of the frontage, it's a smaller portion.

VICE CHAIRMAN FRANCIS: Correct.

MEMBER HERNANDEZ: But he is also extending the house substantially in the back.

VICE CHAIRMAN FRANCIS: Correct.

MEMBER HERNANDEZ: Just to get it on the record.

MR. HADAS: If you had looked at the property, you would see that the existing garage or the existing garage currently does not really enhance the look of the house. It actually kind of makes it look a little lopsided and it definitely needs some upgrading. So I would say with that respect, the addition actually would do justice to the house and to the neighborhood.

MEMBER HERNANDEZ: I am agreeing with you because I saw it and there isn't even a railing over the garage, I think. I don't remember seeing a railing over the garage.

MR. HADAS: I think there is something.

MEMBER HERNANDEZ: Some houses have railings that make it look like a deck, so it looks more natural. But it looks odd and that's a very natural place to extend. But again, that's not the only place to extend. You are also adding a significant amount of square footage in the back of the house. So unless you have something else to say?

MR. HADAS: I would say please, that's all I have to

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

say.

MEMBER GOODSSELL: We will let the person who would like to speak.

VICE CHAIRMAN FRANCIS: Sir, would you like to come up just give your name and address.

MR. LEGATT: Hi. Good morning. My name is Harry Legatt and I live alongside the Zaltas, just to the north of them at 8 Parkside Drive. I am right next to that garage that seems to be in question here. And actually, that's what I am here to speak to. I am here in support of the Town of North Hempstead code about restricting home sizes and I am opposed to this variance that they want. Granting the variance would directly impact my home. The proposed building would be tall enough to block sunlight from reaching my home. My family has enjoyed our home since 1963. We have a screened in porch that faces 10 Parkside. And my parents put in a decorative fence and beautiful landscaping to create a vestibule area of sunlight and warmth, which we enjoy in the spring, summer, and fall. We have meals out there. We read out there. We take naps in the sunlight. It's a precious part of our home.

The proposed construction at 10 Parkside creates brick walls that are 10 feet closer to our porch and 8 feet taller than our porch, and the roof adds 6 more feet in height. The proposed building continues at that height adding a depth of 21 feet towards the west. Construction would block any sun from

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

reaching our porch putting us in a shadow from mid-morning to early evening. 10 Parkside could have designed a larger home by adding to the back of the home within code.

A great part of the charm of our neighborhood is that we are not living on top of our neighbors. Granting this variance sets precedents for building more oversized homes in the future with the potential for more problems. So I urge the Town of North Hempstead to maintain the integrity of our community by not granting this variance.

I do have some photos in support of what I am saying in case you guys wanted to take a look at them.

VICE CHAIRMAN FRANCIS: Sure. Absolutely.

SECRETARY WAGNER: So this will be accepted as Opposition Exhibit 1.

MR. LEGATT: Thank you.

VICE CHAIRMAN FRANCIS: Anything else, sir?

MR. LEGATT: I first moved in there in 1963. I was 9 years old. I am familiar with the neighborhood. And in my opinion, as somebody had mentioned, this building would stick out like a sore thumb. It's a giant brick thing. It doesn't really have a lot of character. I mean, personally, it would impact me and my family. But for the neighborhood, it doesn't look right, in my opinion.

MEMBER GOODSSELL: We are not an aesthetic Board.

MR. LEGATT: I understand. I understand.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER GOODSSELL: We don't vote on things like that.

MR. LEGATT: I understand that.

MEMBER GOODSSELL: But there are several larger houses in that neighborhood.

MR. LEGATT: There are. There is another large house down the street from us, but it does occupy two lots so it doesn't seem out of place there.

MEMBER GOODSSELL: And you do understand the architect said that the proposed addition does not violate any of the Towns height requirements?

MR. LEGATT: I understand that. However, if you look at the drawing, it would be moving the roof line closer to our property, which does cut off the sunlight.

MEMBER HERNANDEZ: But the code allows them to do that. I agree with you that the extension in the back of the house is creating a longer wall along your house, but he is within the right height constraints, just so you are aware.

MR. LEGATT: I understand. And I just think it's inconsiderate of him to be building that way when he could have just kind of constructed towards the back of their home. They have a large backyard. I have a large backyard. Any additions that they want to make could go directly towards the rear of the house. So thank you for this opportunity.

MEMBER HERNANDEZ: Thank you.

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

VICE CHAIRMAN FRANCIS: Thank you. Thank you for coming out. We appreciate it. Mr. Hadas.

MR. HADAS: Yeah. I would like to answer to the distinguished neighbor. I have prepared what is called sun charts, which is a computer simulation of where the sun or where the shadow is going to hit on the property. And what I have come to, this is taken from March 9th, which is at 9:00 a.m. -- I'm sorry -- on March 28th at 9:00 a.m., which the shadow is up the longest because the sun in the wintertime is pretty low. This is what I got. This is the house, including the addition. This is the approximation of the neighbor's house. As you can see, the shadow falls in and covers a very small portion of the house of the neighbor's.

Now, as you can see, the north is on this direction so that the sun comes up in the east. The sun comes up in the east and it goes up to the south. And then in the afternoon, it comes up from the west, which totally does not produce any shadows on this house. So the shadow falling on that house is only for a very short period of time during the year.

The second chart is taken on June 20th at 6:00 a.m. -- at 9:00 a.m. I'm sorry. What does it say? At 6:00 p.m. At 6:00 p.m., you see all the shadows coming out totally away from this neighbor's property. Everything is coming down towards the west of the property, and this is taken in December. This is December 20th at 9:00 a.m., and you can see it almost clears

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

the house totally. So there is very little shadow that will actually fall on the house during the entire year, and it's only going to be for a short duration.

In addition to that, I have compiled some photographs from the internet. And I am showing the neighbor's house and Mr. Zalta's house. As you can see, between the two houses, there are some big trees and big shrubberies. So even if the shadow will fall down towards the neighbor's house, it will fall down on the trees. So I am not sure which will cast the larger shadow, the trees or the sun? My guess is that the trees.

This is a similar photograph of the -- very similar to what I thought the neighbor had presented, and that is the two houses together. And you can see, there is plenty of shrubs and plenty of trees between the two houses. So I don't know. I don't think that that will be an issue. In addition to all of that -- I'm sorry, I forget your name -- we are totally in compliance.

SECRETARY WAGNER: Ms. Goodsell.

MR. HADAS: In addition to all of that, we are totally in compliance with side yards. The new addition is 12 and a half feet away from his property. We are allowed 10 feet on the other side. But on that side, we elected to be 12 and a half feet, totally within reason. The height is totally in compliance with what the zoning required. So as I said, if we

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

were building a smaller housing addition, you know,
400-square-feet-plus, we wouldn't have to be here at all. So
that's what I have to say. I would also like to get Mr. Adam
Zalta, who is sitting here, the owner of the house, he wants to
address the Board, as well.

VICE CHAIRMAN FRANCIS: Of course.

ATTORNEY ALGIOS: I'm sorry. Mr. Zalta, do you want to
just address the neighbor's --

MR. HADAS: I am Hadas.

ATTORNEY ALGIOS: Mr. Hadas, I'm sorry. What the
neighbor had said about room in the back to put the addition,
do you want to just address that?

MR. HADAS: Thank you.

MR. ZALTA: I am a little nervous. I am not a person
that likes to publicly speak.

MEMBER HERNANDEZ: That's okay.

VICE CHAIRMAN FRANCIS: Give your name and address.

MR. ZALTA: Adam Zalta; 10 Parkside Drive, Great Neck,
New York 11021. First time at one of these meetings. And just
a couple of things I would like to comment about. I am going
to first comment about the back, because I think that's
important. The back is a backyard. After the backyard, there
is a creek. After the creek, there is bushes and it goes right
to Bayview. So there is nobody in the backyard at all. So
that should address the backyard, if there is any adverse

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

comments regarding the backyard.

Number two, in the backyard, there is already an addition that was made before we bought the house. We are going over that addition. We are not going further back over that addition. And we are making it even on the other side of the kitchen area. So that's regarding the backyard area. We would like to enlarge our kitchen, which is something that is very small and has not been updated, nothing in the house has been updated. Unfortunately, we weren't able to do it until the last couple of years.

Regarding the oversized, I have not done research on that. I would like time to be able to do research on other properties. I know of some because of my neighbors, but I would like to come back and show the percentages that are overage. I wish I would have known that. I would have done my homework in advance. And the last thing is, you know, when we bought the property, we thought it was a great piece of property to buy because there was no backyard. Over time, our neighbors had mentioned, just so you know, that's not a positive. Because you are so close to the creek, water is always in the basement sump pump in my French drain. We are trying to increase the value of our house by making the kitchen larger and making a Kosher kitchen finally, and making a back room for entertainment for the first floor. So we are trying to increase the value in our property. We want to make the

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

front, put shutters back up there, that they fell off over time. It is time to upgrade our house. If you did see the house, it is falling apart.

MEMBER GOODSSELL: I did not mean that in a very negative way.

MR. ZALTA: It's okay. It's okay. My wife would agree with you. So it's just about time. And we are really not trying to impede on anybody. And I will drive around the house in the next couple of weeks and get the information that you do request. Thank you for your time.

VICE CHAIRMAN FRANCIS: Thank you. So if you are going to be submitting additional documentation to us, then we will not reserve your case for determination, we will continue it in order to receive that.

MR. ZALTA: I think that will be the right, if that's okay with you.

VICE CHAIRMAN FRANCIS: That's more than, okay.

MR. ZALTA: I would like to address your concerns.

MEMBER GOODSSELL: As a Board, we are charged with granting the minimum variance needed to accomplish your goals and to stay within the law. And your architect has indicated that he knows what the law is and the denial letter says you are permitted so many square feet. Your architect has stated the case as to why your family needs additional square footage and he has gone through that, and these are considerations for

Appeal #21478

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

us. We would like to be fair also.

So Mr. Chairman, I do propose that we continue this. If you would be so kind as to give us the information that you would like to. I, for one, would like to go down your street again and see other facades in the neighborhood who are built over the garage.

MR. ZALTA: Yes. I have no problem with that.

VICE CHAIRMAN FRANCIS: The one thing I would just add, since your neighbor brought it up, why is it that you cannot extend towards the rear of the building?

MR. ZALTA: So the way the house is built, there are two rooms on the left side of the house, staring at the house, one room, the master bedroom, on the right-hand side. I'm sorry. Left-hand side is the master bedroom, two rooms are on the right-hand side. When you go back, there is, basically, no way -- there is an electrical line, so we have to stay within reason of the electrical line in the backyard. There is no way to go back to build two rooms in that area. So the only place to build two rooms is to take a 5-foot hallway, bring it to over the garage, and build out from there. It's the only place we can get two more bedrooms. Going to the back, basically, there is no way to get there. You lose a closet, a linen closet, and then there is no linen closet there. So it was impossible to build the two back in that area.

VICE CHAIRMAN FRANCIS: Thank you.

1 Appeal #21478

2 MR. ZALTA: Thank you for your time.

3 VICE CHAIRMAN FRANCIS: You're welcome. All right. We
4 will continue this. Whatever you get, you can mail into the
5 BZA's office. You don't have to come.

6 MR. ZALTA: Thank you so much.

7 MEMBER HERNANDEZ: Thank you.

8 MR. LEGATT: Could I be notified as to when he might
9 come back?

10 VICE CHAIRMAN FRANCIS: Just step up.

11 MR. LEGATT: Could I be notified as to when he might
12 come back?

13 VICE CHAIRMAN FRANCIS: Oh, he is not coming back.

14 MR. LEGATT: Oh, okay.

15 SECRETARY WAGNER: No. He is going to submit to the
16 Board of Zoning Appeals office any additional information. You
17 can call us to see if and when that has been done. We don't
18 make any decisions outside of the Hearing dates. The next
19 Hearing, I believe, is December 20th. So we wouldn't be making
20 a decision before the 20th of December, but I would call before
21 then to see if he submitted anything. Then you can look at
22 those drawings or additional information, whatever is
23 submitted.

24 MR. LEGATT: That's great. Thank you very much.

25 SECRETARY WAGNER: You're welcome. Or e-mail us. You
26 can e-mail us, as well.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Appeal #21478

VICE CHAIRMAN FRANCIS: Ginny, before you call the next
case.

(Whereupon, a discussion was held off the record.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Proceedings

SECRETARY WAGNER: Back to Appeal #21482 - Phyllis
Scobbo; 1212 Port Washington Blvd., Port Washington; Section 5,
Block 25, Lot 4; Zoned: Residence-C/Business-B.

That, is going to be adjourned until January 10th.

1 Appeal #21480

2 SECRETARY WAGNER: Next Appeal is Appeal #21480 -
3 Amar Patel; 142 Harrow Ln., Manhasset; Section 3, Block 188, Lot
4 8; Zoned: Residence-A/Bump up to Residence-AA.

5 Variances from §§ 70-22.6 and 70-100.1.A to
6 construct a new home with too much paving in the front yard and a
7 detached garage in a front yard.

8 VICE CHAIRMAN FRANCIS: You've heard Appeal #21480.
9 Is there anyone interested in the application other than the
10 applicant? Seeing no hands.

11 SECRETARY WAGNER: Mr. Higgins, just to let you
12 know, I received some correspondence this morning that I will
13 forward to you. I don't know if you want to take some time to
14 look at that before. I am going to have to e-mail it to you. So
15 then we will probably continue it.

16 MR. HIGGINS: Good morning, Mr. Vice Chairman and
17 Members of the Board. For the record, Timothy P. Higgins, 76
18 Hillside Avenue, Manhasset, New York, for the applicant. Also,
19 I have here today the applicant's architect, Peter Nesfield,
20 N-E-S-F-I-E-L-D.

21 So we are here today. The applicant needs variances
22 for excessive impervious material, such as the driveway asphalt
23 on both front yards, the front yard that faces Harrow and the
24 front yard that faces Searingtown Road. The subject property
25 is uniquely situated on that southwest corner, Harrow Lane and
26 Searingtown Road. The property is distinguished on the

Appeal #21480

1
2 Searingtown Road side by the adjacent Searingtown Road
3 extension. It almost looks like a private drive, but that's
4 what it is. And the grass island between the subject property
5 and the actual Searingtown Road, such that the property,
6 although it's a corner parcel, physically abuts the Searingtown
7 Road extension on that east side and the grass island rather
8 than Searingtown Road itself.

9 When you look at the plans, the carport and the garage
10 are both on the east side, which is the Searingtown Road side
11 of the subject property. Accordingly, the proposed driveway
12 providing access to both the carport and the garage a necessity
13 must cover more than the allowed 30 percent front yard
14 impervious paving. Because just physically, as you go from
15 Harrow Lane to get back to the carport and the garage, you are
16 going to exceed the permitted pervious or impervious material.
17 Specifically, there we exceed by 753 feet. In addition, the
18 nuance of the private roadway and the island on the east side
19 or the Searingtown Road side should distinguish that front yard
20 as an exception from the maximum permitted paving of impervious
21 material of 30 percent.

22 For the record, I do note when I looked at the radius
23 map going north, the homes that also face Searingtown Road face
24 that Searingtown Road extension. And they too, in theory, have
25 excessive -- I don't have numbers, but it looks to me like what
26 we are seeking is not really much different than what they

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

have.

Further, at the northeast corner of the subject property, there exists -- and this is the real issue for us -- a traffic light regulating vehicles turning from Harrow Lane onto Searingtown Road. That traffic light creates a long line of cars waiting to turn from Harrow Lane onto Searingtown. It precludes or blocks vehicles from ever backing out of the subject property into that line of cars. I have experienced this myself, and it could take a long time.

So with this circular driveway proposed on Harrow Lane, vehicles would be able to more safely enter and more importantly exit Harrow Lane coming out forward from the subject property. Because otherwise, I think they would be waiting a long time for the people in line of traffic to accommodate.

Finally, there is a precedents for the proposed front yard in excess of 30 percent on the Harrow Lane side or front yard. Within the immediate neighborhood, specifically when I looked at the Google Maps, I could see 119 Harrow Lane, which is just diagonally across, it has a large circular driveway. And I didn't do calculations, but it appeared to me they are probably in excess of the 30 percent impervious material.

Secondly, with respect to the variance requested to the accessory building, specifically the detached garage located in the front yard adjacent to the Searingtown Road property, as

Appeal #21480

1 indicated above or as indicated -- I'm sorry -- the property is
2 uniquely situated on the southwest corner of Harrow Lane and
3 Searingtown Road. The property is further distinguished on the
4 Searingtown Road by the Searingtown Road extension and grass
5 island such that the property, although it's a corner parcel,
6 does not physically abut Searingtown Road, but abuts the
7 private roadway and grass island, Searingtown Road extension.
8 Base upon the location of the house on the subject property,
9 both the carport and the garage can only be located on that
10 east side, the Searingtown Road side. Once again, the nuance
11 of the private roadway and island along the east side of
12 Searingtown Road should distinguish the front yard as an
13 exception from the front yard restriction of accessory
14 structure being located thereon.
15

16 And then we balance the criteria that the Board likes
17 us to do. The proposed circular driveway on Harrow Lane is
18 needed because of the traffic backup at the traffic light at
19 the intersection of Harrow and Searingtown. The fact that the
20 carport and the garage are both on the east side of Searingtown
21 Road, the proposed driveway providing access to both that
22 carport and the garage a necessity must cover you in the
23 allowed 30 percent front yard paving. The detached garage
24 siding on Searingtown Road will not be visible to any of the
25 neighboring properties. The only ones that will see it are the
26 cars driving on Searingtown Road. Therefore, I propose that

Appeal #21480

1
2 the proposed variances will not present a detriment to the
3 community and/or produce an undesirable change to the
4 neighborhood. The benefit sought, although there really is no
5 alternative other than to put the driveway in to get the
6 benefit of a safe exit from Harrow Lane, anything short of a
7 circular driveway, the property owners are going to be backing
8 out into Harrow Lane at times when it's going to be very
9 difficult to do so. I don't think, in our opinion, the benefit
10 we seek is substantial given the circumstance of the danger of
11 trying to back into a traffic line like that. Neither of these
12 variances are going to create any environmental issues. And
13 the applicant, in proposing to the circular driveway, is
14 responding to the unique circumstance of the traffic pattern on
15 harrow Lane from the backup. The applicant didn't create this
16 traffic backup, but simply succeeded to by way of buying the
17 property on that corner. So it's respectfully requested that
18 the Board consider granting the variances as requested. If you
19 have any questions, I do have the architect.

20 MEMBER HERNANDEZ: Mr. Higgins, I have to start this
21 one because I have driven down that Harrow Land more times than
22 I care to remember and I have lived in the neighborhood for
23 over 30 years. And you are right, that road is a back road for
24 all of Strathmore and we all come that way so we can get into
25 the Manhasset area and avoid the roadblocks of the intersection
26 of Searingtown and Northern Boulevard. I also agree with you,

Appeal #21480

1 there is a little strange little one block long street
2 alongside Searingtown Road that sort of ends, which is what
3 your client's side of the house faces. So that is more of a
4 side yard, I guess, like you said, than a front yard because
5 there is really nothing there, but this little dead-end street
6 with nothing on it. And if you are going to put your garage
7 all the way in the back of the house, then you have a very long
8 driveway. There is no way of getting around it. But you also
9 have put in back there a carport that will accommodate two cars
10 and a space in front of it that is 40 feet by 40 feet almost.
11 In fact, if I read the numbers correctly. So therefore, there
12 really is no reason why your client would need to back out of
13 his driveway. He could easily drive up there, turn around on
14 his property, and come forward. I agree with you, backing out
15 of that is a very difficult spot. So I, as one Board Member,
16 could see myself approving a straight driveway going to the
17 back and covering all of that front yard, but I have a real
18 problem with a circular driveway in the front covering almost
19 half of your real actual front lawn of your house. I think it
20 will make the whole neighborhood look very different.
21 Especially, when you said in the mornings and late in the day,
22 there is always cars backed up in that traffic light looking at
23 that house.

24
25 Now, just yesterday, I was there, not because I went to
26 see the house, but because I went out that way. So I have gone

Appeal #21480

1
2 to see the house, of course, but I went there. And when I
3 stood there, I saw the construction fence and everything else
4 that is there, right. When I am there the next time without a
5 fence, I am going to see this massive driveway in front of the
6 house. And, that, I strongly object to because I think that
7 will change the look of the neighborhood, because you will be
8 standing in front of it. So I, as one Board Member, I don't
9 see a problem with the long driveway going to the back, because
10 the garage should be in the back. I don't think we want that
11 garage in the front. You want to hide it so you need to put it
12 back there. But you can turn around back there. It's not like
13 you have one little driveway that's 10-feet wide and you need
14 to back up. Plenty of room for you to turn around.

15 MR. HIGGINS: I am going to defer to the architect to
16 respond. However, I would suggest that when guests are in that
17 circular driveway, it's not going to be easy for them to go all
18 the way back to that area, turn around, and come out. But
19 maybe there are alternatives.

20 MEMBER HERNANDEZ: Is he trying to create a parking lot
21 in his house or is he trying to create a driveway?

22 MR. HIGGINS: No. A driveway.

23 MEMBER HERNANDEZ: Okay.

24 MR. HIGGINS: Any other questions before I --

25 MEMBER GOODSSELL: I just want to make a comment. I
26 also, as one Board Member, I am less familiar with this

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

neighborhood, but I do know the Searingtown Road extension, which I think is a bizarre little road and it must have something to do with the early development of the neighborhood. The architect has put the garage in the most logical place. The architect has put the driveway in the most logical place. I, as one Board Member, do not have a problem with the garage. I do not a have a problem with the driveway. I also have a problem with the circular driveway. I did not notice anyone else in the neighborhood with a circular driveway. But again, it depends upon the amount of coverage in the front yard. If you have a 100-foot setback, you don't have coverage issues. If you have a 40-foot setback, you may have a coverage issue. So I agree that you have a problem with the circular driveway.

MR. HIGGINS: I understand. Anything else you want to present to the architect so hopefully he can better respond?

VICE CHAIRMAN FRANCIS: For the record, I just want to put myself on the record that I agree with both my Board Members with regard to this driveway. I don't see why the driveway can't be straight.

MR. HIGGINS: Okay. If I may?

VICE CHAIRMAN FRANCIS: Sure. Absolutely. Name and address, please.

MR. NESFIELD: Peter Nesfield, N-E-S-F-I-E-L-D; 1527 Franklin Avenue, Mineola, New York 11501. I understand the Board's comments. I am not here to dispute it. It is a

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

convenience to have a circular driveway rather than a short driveway. That's the long and short of it. I haven't looked. The house was started pre-COVID and it's finishing after COVID, so it's just one of these jobs that has been lingering for a number of years. Mr. Higgins and I just met, but it's something that as a Board, you are unified against it in a sense that the circular driveway just seems like you don't want it. We have to probably come up with an alternative method to appease the clients, but it doesn't seem like it's going to move forward in this direction with the circular driveway, I think.

MEMBER GOODSSELL: Well, it is something that we would like you to consider. I mean, just in case you don't remember, it is going to be a beautiful house. We all looked at it. It is very nice.

MR. NESFIELD: We are not here for aesthetics.

MEMBER GOODSSELL: And your plan provides parking for people in a garage, people in a driveway, a two car-carport. And there are alternatives to a circular driveway. However convenient that may be, there are alternatives to a circular driveway. I would like to, if you, gentlemen, had told us that Harrow Lane backs up, I was there at 10:00 in the morning, there was absolutely no traffic whatsoever.

MR. NESFIELD: No, it's bad.

MEMBER GOODSSELL: But I am not familiar with Harrow

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Lane backing up.

MR. NESFIELD: No. When we met there in the old house a number of years ago, it was 8:00 at night we were leaving the meeting and we were both having a hard time backing out of the driveway. In the daytime, it's not bad. The circular driveway provides just a convenience for a number of people coming in and out of the house. When they have guests, it's an easier thing to do. If we are not finding it as an acceptable method, then we have to find an alternative.

MEMBER HERNANDEZ: I brought it up so I want to clarify. It's not that -- I personally would not object to a circular driveway necessarily. But in this particular case, you have a combination of two things. You have a very large circular driveway because of its shape of the land, and then you have a massive landing strip of a driveway to get to your garage in the back. So it's a combination of those two things side by side that really paves almost 50 percent of the surface area.

MR. NESFIELD: For me, it's a listening exercise. We are here, we heard you. It's not like it's a five-minute approval. There is a different thought from my thought and the client's thought. We will just have to figure out a different method and then come back.

MR. HIGGINS: So if I may, to make it better or more convenient for everybody, we will withdraw the request for a

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

variance of the circular drive on the Harrow Lane. I just confirmed with the architect. He will design something that will work. And if necessary, he could even create a quick turnaround in front. We will comply with the pervious versus impervious. So all you have is the application for the driveway and garage on the Searingtown Road.

SECRETARY WAGNER: Well --

MEMBER HERNANDEZ: Well, there is no driveway on the Searingtown Road. The driveway is on Harrow.

MR. HIGGINS: Well, there is also the driveway as it extends.

SECRETARY WAGNER: The paving, you mean?

MR. HIGGINS: The paving.

MEMBER HERNANDEZ: There is paving on the front yard. I apologize. The secondary front yard.

MR. HIGGINS: The secondary front yard, yes.

MEMBER HERNANDEZ: So all that is in front of us is the secondary front yard paving.

MR. HIGGINS: And the garage in the secondary front yard.

MEMBER HERNANDEZ: At the far end. The deepest end of it.

SECRETARY WAGNER: But we won't know what degree the paving is until you submit. In other words, so you are saying you don't need a variance for the paving at all?

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. HIGGINS: We do need a variance for the paving on the secondary front yard.

MEMBER HERNANDEZ: But not for coverage.

MR. HIGGINS: Right. And then we will design something that complies on the Harrow Lane front so as to not require any variance allowing us to withdraw that application, that portion of the application. Because it's clear that the Board is -- you made your position, it's clear, and we don't necessarily disagree.

SECRETARY WAGNER: So you are sure that when you take that other driveway out, you are still going to require a variance for the excess paving on the Searingtown Road front yard?

MR. HIGGINS: Yes.

MEMBER HERNANDEZ: It's not excess paving, it's for being on the side yard.

SECRETARY WAGNER: No.

MR. HIGGINS: It's impervious material on the -- yeah, the denial is in two. The denial is on Harrow Lane, the 724 feet of impervious material beyond what is permitted. And on the Searingtown Road, there is 753 feet of impervious material beyond which is permitted as of right.

MEMBER HERNANDEZ: I think my only concern. You may want to redo the calculation only because --

MR. HIGGINS: This is the examiner's calculation, not

Appeal #21480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

mine.

MEMBER HERNANDEZ: I am saying just be careful because you may be putting in the front some of what you will need for your secondary. So you may blow your secondary amount. So let's not rule that out yet, because you may need some of that. In fact, because I am looking at your drawing here, it looks like they counted all of the front of your secondary as a primary, so you may need it. So why don't you get the drawing laid out, quickly do the numbers, mail it out to us, and then we will make a decision.

MR. HIGGINS: I appreciate that. Thank you.

VICE CHAIRMAN FRANCIS: I think that's the way to go.

MR. NESFIELD: Timeframe for mailing it?

MEMBER HERNANDEZ: Whenever you want. We will make a decision in two weeks when we meet again. We will make a decision in two weeks.

MR. HIGGINS: We don't have to come back?

MEMBER HERNANDEZ: No, just mail it in.

MR. HIGGINS: Thank you.

SECRETARY WAGNER: December 20th is when we have the next Hearing.

MR. HIGGINS: Thank you for you time.

VICE CHAIRMAN FRANCIS: Happy holidays.

SECRETARY WAGNER: So we are continued for revised plans.

1 Appeal #21481

2 SECRETARY WAGNER: Next Appeal is Appeal #21481 -
3 Carolyn Bichoupan; 4 Waters Edge, Port Washington; Section 5,
4 Block C, Lot 444; Zoned: Residence-A.

5 Variance from §70-31.A to construct a second story deck
6 (open deck and covered deck) that is too close to the side
7 property line.

8 VICE CHAIRMAN FRANCIS: You have heard Appeal #21481.
9 Is there anyone interested in the application other than the
10 applicant? Seeing no hands. Please give your name and
11 address.

12 MR. BICHOUPAN: Robert Bichoupan; 4 Waters Edge, Port
13 Washington, New York. Standing besides me is my wife, Carolyn
14 Bichoupan, who is the homeowner. Good morning.

15 VICE CHAIRMAN FRANCIS: Good morning.

16 MR. BICHOUPAN: This is an application for a de minimis
17 variance. We have encroachment requested into the side yard on
18 the south side of the property, the southwest corner of the
19 property. Currently at that location is a deck. What we are
20 proposing to do is to enlarge the second story existing deck
21 all the way from its current location on the north side of the
22 rear yard across the property to the edge of the deck. On the
23 south side, we are 1 foot short of the existing deck. It will
24 be 1 foot in from the existing deck. And also to extend the
25 roof line 7 feet out across the entire rear of the property.
26 Both the roof line and the second-story deck enlargement

Appeal #21481

encroach the side yard setback from zero feet to, approximately, a little over 2 feet.

The neighbor to our south who would be most impacted has signed a consent, which is part of your application. To our rear is Manhasset Bay. We have no neighbors directly behind us. And there is no change to the north side of the property whatsoever. So I would call it a de minimis encroachment with consent from the affected neighbor.

The reason we are requesting the variance and the proposed construction, the south facing side of our house gets beat on by the sun. We face the opening to Manhasset Bay. Prevailing winds come directly at the back of our house and drive rain into the house and it causes damage. We have to repair it repeatedly, the siding. In addition, the windows and doors, which we now have to replace. And we are looking for some protection from the elements, and that's the primary purpose for creating these structures, to guard shelter from the sun and the rain. It will also give us an overhang. By the way, it will be open. On the first floor, it will be open by all sides. We are not enclosing anything. We are within our lot square footage. We are not enlarging the square footage. I think we are in compliance with every other aspect based on my conversation with the architect. So really it's just the de minimis variance for a length of 14 feet going from zero feet to a little over 2 feet.

Appeal #21481

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER GOODSSELL: Due to the unique location of your property, you must see some absolutely lovely sunsets, but you must also get the grunt of the wind we have had over the last couple of days.

MR. BICHOUPAN: The house rattles.

MEMBER GOODSSELL: If your property did not dogleg the way it did, I think you would actually meet setback compliance. You have a setback issue, but you only have a setback issue because, for some reason, your property seems to go -- and I am looking at your survey on my computer -- your property seems to go all the way back with proper setbacks at the back of the house and then it takes a slight turn sideways. And if you extend, that's where your variance is. You are down to 7-point-something on one side, but your setback increases on the other side.

I, for one, Mr. Chairman, do not have a problem with this. Although, they have my sympathy. I don't know where anybody turns around when you go to look at this house. And I don't know how you stand being next to the Port Washington Yacht Club, which is busy all the time. But you do have an absolutely unique and a beautiful location.

VICE CHAIRMAN FRANCIS: You have to love boats to be there.

MR. BICHOUPAN: Thank you. We do.

MEMBER GOODSSELL: It looks like the water is just going

1 Appeal #21481

2 to wash up over your deck on certain days. It's more of the
3 unique situation of your property that you need to ask for a
4 variance, it's not because you violated anything else.

5 MR. BICHOUPAN: Correct.

6 MEMBER GOODSSELL: So Mr. Chairman, as one Board Member,
7 I would be inclined to grant this application.

8 VICE CHAIRMAN FRANCIS: Usually, Mr. Donatelli is from
9 your neck of the woods and normally we would wait to see what
10 his opinion is, but with regard to this, I think his opinion
11 would jive with ours. So we have a motion. Do we have a
12 second.

13 MEMBER HERNANDEZ: Second.

14 VICE CHAIRMAN FRANCIS: Ginny, please poll the Board.

15 SECRETARY WAGNER: Member Goodsell.

16 MEMBER GOODSSELL: Aye.

17 SECRETARY WAGNER: Member Hernandez.

18 MEMBER HERNANDEZ: Aye.

19 SECRETARY WAGNER: Acting Chairman Francis.

20 VICE CHAIRMAN FRANCIS: Aye. The application is
21 granted.

22 MR. BICHOUPAN: Thank you very much.

23 MEMBER GOODSSELL: The next time I am at the Port
24 Washington Yacht Club, I will lean all the way over and take a
25 look and see how it goes.

26 MR. BICHOUPAN: You can walk around the back. You're

Appeal #21481

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

welcome.

MEMBER GOODSSELL: Again, I don't know how you are going
to get machinery in there, but that's a totally different issue
not before the Board.

MR. BICHOUPAN: We will figure it out. Thank you.

VICE CHAIRMAN FRANCIS: It will work itself out.

1 Appeal #21483

2 SECRETARY WAGNER: Next Appeal is appeal #21483- Jason
3 & Jennifer Albertson; 153 Luquer Road, Port Washington; Section
4 5, Block 104, Lot 103; Zoned: Residence-B.

5 Variances from §§70-39, 70-41.A, 70-101.C and 70-40.A
6 to legalize additions that make a dwelling too big, are too
7 close to the side property line, are too close to the front
8 property line, and with smaller than required total (aggregate)
9 side yards, and an enclosed vestibule that is too big and is
10 therefore considered too close to the front property line.

11 VICE CHAIRMAN FRANCIS: You've heard Appeal #21483. Is
12 there anyone interested in the application other than the
13 applicant? Seeing no one. Mr. Sahn.

14 MR. SAHN: Mr. Vice Chairman and Members of the Board,
15 good morning. My pleasure to appear before you today.

16 VICE CHAIRMAN FRANCIS: Good morning.

17 MR. SAHN: On behalf of the applicants, Jason and
18 Jennifer Albertson, who are present in the Hearing room for the
19 application, as is the representative of the architect for the
20 project, Mr. Brian Solis. Brian can answer any questions that
21 come up during the course of the presentation.

22 Let me start, if I may, by presenting to the Board the
23 originals of the consents that the applicants obtained from all
24 of the affected property owners. These property owners include
25 the contiguous owners. The owners at the rear whose property
26 lines at the corners touch this property and across the street.

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

So everyone who would have required a public hearing notice has consented and I would like to submit these for the record.

SECRETARY WAGNER: This will be Exhibit 1.

MR. SAHN: Exhibit 1. Thank you so much.

SECRETARY WAGNER: Or did you already label your other exhibits?

MR. SAHN: No, I have not. So this would be Exhibit 1 for the Hearing. Thank you. If I may, also, prior to the Hearing this morning, we had prepared a memorandum of facts and law in support of the application, which we transmitted to the Board electronically. I do have hardcopies of that memo, which I would submit for the record, as well.

So we have enough for the Board Members, all of the Board Members and Counsel. And rather than go through that per se, I expect that the Board has had an opportunity to review it. Attached to the memorandum of law are some of the consents that were obtained prior to this morning's Hearing, the previous documentation on building permits issued for the property, a property map, and several photographs. So I will rely, with the Board's permission, on that memorandum of law and facts in support of the application.

If I may briefly, as indicated in the Hearing notice, this is an application for several area variances to maintain the existing conditions, alterations, and additions to the premises at 153 Luquer Road in Port Washington. This property

Appeal #21483

1
2 is known as Section 5; Block 104; Lot 103. This property is in
3 the Residence-B Zoning District where the minimum lot size is
4 6,000 square feet. And in fact, this is a 60 by 100 lot on the
5 street, which is typical of the lots in this area. The
6 property is improved with a single-family residence. It is a
7 two-story brick residence. It has a front vestibule and it has
8 a gross floor area exceeding the allowable, as noted in the
9 Notice of Disapproval, which is 3,056.82 square feet, according
10 to our calculations.

11 If I may, I have a booklet of photographs that I would
12 like to submit to the Board showing the property and adjoining
13 properties to give the Board a sense of the character of the
14 area, although I know the Board is very diligent in its
15 inspections nonetheless.

16 SECRETARY WAGNER: So the memorandum of law will be
17 Exhibit 2 and the photographs will be Exhibit 3.

18 MR. SAHN: Thank you very much. They should be
19 sufficient for Counsel, as well. So if I may, as the
20 photographs are distributed, indicate the first two photographs
21 are of the subject premises. And with respect to the subject
22 premises, I would ask the Board to note that this is a very
23 traditional-looking home, very well-maintained, setback
24 appropriately on the street, and has a very nice appealing
25 street frontage. It is a two-family residence. And you can
26 see that the traditional design fits in with the character with

Appeal #21483

the roof lines and the windows that are at the residence.

The next photograph is of 151 Luquer Road, which is an adjoining property. Again, you will note as you review the photographs, that all of these properties on the street are, essentially, two-story residences of similar traditional design. They have their own unique architectural structure, but they all fit within the nature of this community.

The next photograph is 154, which again is a two-story residence. It has a front vestibule. Again, nicely maintained, as are all the properties on the street. Following that is 155 and 156 Luquer Road.

The character of the neighborhood is such that it attracted the Albertsons to purchase this property, which they did in 2023. And there, begins the story, as recited factually in the memorandum of law. They purchased the property. They had Counsel. They did their due diligence. They found that there was prior certificates of occupancy and completion for a prior building project that was done, approximately, 20 years ago in 2003. And they purchased the property with the intent to live there and establish their family in the neighborhood. They retained the architect to do a plan for interior alterations only, nothing to the exterior, no expansion, no extensions, nothing increasing the height, bulk or area of the property. Simply interior work. When that was submitted, the Building Department rejected the application for interior work

Appeal #21483

1
2 and wrote that upon further review, so to speak, the 2003
3 permit was improperly issued. The Building Department found
4 that, in fact, according to their review, variances should have
5 been obtained prior to the 2003 permit. There is no way that
6 the applicants could have possibly known that and, of course,
7 they were totally shocked by that development.

8 Nonetheless, this is the process that, as the Board
9 knows, has happened to others. And in this case, their
10 recourse was to file the instant Appeal, which they have done,
11 to maintain the existing conditions. In that regard, I do have
12 architectural drawings, very basic plan drawings for the house
13 that I would like to submit that show very graphically what
14 parts of the house are non-conforming. So if I may, this would
15 be Exhibit 4, I believe.

16 SECRETARY WAGNER: 4, yes.

17 MR. SAHN: Yes.

18 MEMBER GOODSSELL: I am very interested in seeing those,
19 Mr. Sahn, because I had looked at the original property tax
20 card for this property that was built in 1939, and what is
21 there now does not bare much of a resemblance to the property
22 tax card at all, except for the garage. I think the garage is
23 about the same.

24 MR. SAHN: Well, it's hard to know how Nassau County
25 updates or does not update, in various circumstances, its
26 records. As we know, many of them are inconsistent. But in

Appeal #21483

1
2 this particular instance, as the record shows and the documents
3 show, there was a building permit issued and a certificate of
4 completion for that work. These drawings, again, were prepared
5 by the architect who did the interior alteration application
6 that triggered the Notice of Disapproval. And as we go through
7 them floor by floor, the first drawing shows the original
8 cellar floor on the left side. And then on the right side is
9 the 2003 permit application referenced below the drawing that
10 shows the finished cellar pursuant to the 2003 building permit.
11 And let me again emphasize that everything you see was approved
12 for that permit and signed off on 20 years ago.

13 VICE CHAIRMAN FRANCIS: And am I looking at a bathroom
14 in the cellar?

15 MR. SAHN: There is a bathroom in the cellar, yes.

16 VICE CHAIRMAN FRANCIS: Shower, sink, and toilet.

17 MR. SAHN: Exactly as approved, yeah.

18 MEMBER HERNANDEZ: Were the Lally columns removed?
19 Your original cellar shows three Lally columns supporting the
20 house in the middle. They are not aligned with any other
21 walls. It's not like they are hidden inside a wall.

22 MR. SAHN: Presumably, Mr. Hernandez.

23 MEMBER HERNANDEZ: It's just a curiosity.

24 MR. SOLIS: Just John Brian Solis; 16 Dolphin Green,
25 F1J, Port Washington, New York 11050. Two of the Lally columns
26 are buried within the walls that is slightly behind the stairs

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

where you see a small little closet. They are buried in there.
And then that center one, yeah.

MEMBER HERNANDEZ: They put a beam, hopefully.

SECRETARY WAGNER: Mr. Sahn, is the cellar included?

MR. SAHN: No. But we wanted to show the Board the
totality of what was done pursuant to permit. There is no work
-- let me again emphasize -- that the Albertsons have done.
And all the work that they perceived to be approved work is
shown on these plans.

MEMBER GOODSSELL: Mr. Sahn, your purchasers, they are
not related? They are not related to the previous family?

MR. SAHN: No. They paid their higher value with the
expectation that they were buying --

MEMBER GOODSSELL: I just wanted to make sure this is
not a family that was continuing to own.

MR. SAHN: No. They were a market value. With respect
to the first floor plan, the shaded areas show the front
vestibule, which is part of the Notice of Disapproval, a front
addition relating to the garage, as you can see. The kitchen
area in the rear and a mud room in the rear. We have also
shown on this plan a 1965 addition, which was permitted and is
not the subject of the Notice of Disapproval, but we wanted to
give the Board the sense of everything that was done to this
house from when it was first constructed, and you see that was
relating to the family room area. And there is a little shed

Appeal #21483

on the right side. On the second floor, again, you will note the bedrooms that were created, a master bedroom and an additional bedroom on the right side.

What I would respectfully suggest these drawings show is that unless the Board in its wisdom and judgment grants these variances and the Albertsons cannot maintain the house as they purchased it, essentially, there is no house and they would have to start from scratch and, basically, demolish. They have no feasible alternative, but to ask the Board to permit these variances so as to maintain what they purchased.

VICE CHAIRMAN FRANCIS: Mr. Sahn, if, in fact, that were to happen, what would be the cost of putting the house back to its original configuration, ballpark?

MR. SAHN: Essentially, from this configuration, I think they would have to absolutely demolish and start over. There is no feasible way to deconstruct. If you said, for instance, well, deconstruct part, the parts are so integrated that you wouldn't have a home anymore. And also, if you would permit me to say, when you look at the photographs of this residence compared to the others in the area, it actually is totally within the character of the area. If it was returned to its original state, that, in fact, would not be within the character because all the adjoining homes are two story similarly designed beautifully maintained homes.

VICE CHAIRMAN FRANCIS: I think for the record it's

Appeal #21483

1
2 important that we go through the five factors, and you have
3 already started that. So if you could breeze through that.

4 MR. SAHN: Yes. And I am just going to summarize
5 because part of the reason for preparing the memorandum of law
6 was to incorporate that. And instead of going through each and
7 every variance singly, I think collectively, if I could, as we
8 articulated in the memorandum of law, there are no negative
9 impacts by the Board granting these variances. The fact that
10 the house has existed in this fashion for 20 years speaks to
11 the fact that it is not negative to the neighborhood. In fact,
12 it is within the character of the neighborhood. The houses,
13 again, within the proximity are all similar in design and
14 character. Under the circumstances, notwithstanding any
15 numerical calculation, the variances are not substantial. And
16 indeed, I think, for instance, the variance with respect to the
17 gross floor area is a minimal variance. The vestibule, as you
18 will note, is similar to other vestibules in the community.
19 And having the two-story residence with a family room and a
20 kitchen that has been renovated also is of great value and
21 benefit to the applicants with no detriment to any adjoining
22 property or the area. And also, of course, under these
23 circumstances, I think it's obvious that these are not
24 self-created hardships. These are fully unexpected,
25 unanticipated consequences that came about when they applied.
26 In fact, had they not applied for interior alterations, had

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

they done nothing but decided to live in the house as it was, we wouldn't be before the Board. But because they purchased for value and because they wanted to put more value into the house, it brings them to today.

So we are very hopeful the Board will look at this favorably. The alterations are on the table, so to speak, at the Building Department and would really enhance their ability to live in and enjoy the house.

MEMBER GOODSSELL: We are discussing up here the various things that do comply. The portico is on the old property tax card, so I don't have a problem with that. And if, in fact, this house were built today, if we set aside it was built over the existing foundation, if we set aside the side yard setbacks, which it doesn't comply, I think it's about 240 square feet over the allowable, which is, in my mind, not a terrible thing. And your diagrams are absolutely clear as to what is and is not documented.

MR. SAHN: Again, thank you. The architect did a very good job on that, I would suggest. And you can see the way the home was situated with the lines of the house, it would be absolutely detrimental to try to carve out a 100 square feet. It would serve no valid purpose. The lines of the house are very attractive in the way it's situated, and to try and deconstruct part of the first floor, part of the second floor would absolutely destroy the house.

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER HERNANDEZ: To remove, roughly, 300 square feet from this house at this point would be extremely difficult.

MR. SAHN: Extremely difficult, costly, and really it would be impossible. Where would you select to remove from? And then there is no doubt that they or any other owner would be back before the Board asking for relief to reconstruct that that was removed. Because the utility of the house, the bedrooms for a family would not be there but for these improvements.

VICE CHAIRMAN FRANCIS: It's a modern configuration that we see all the time.

MR. SAHN: I think it is. And again to emphasize, the applicants are not looking to go beyond what they purchased. They want to improve what they purchased on the interior and that's the purpose.

MEMBER HERNANDEZ: Now, the encroachment on the side property, it appears to be that it's not the house that's encroaching, that it's actually what I will call a shed, for lack of a better word.

MR. SOLIS: An attached storage room.

MEMBER HERNANDEZ: An attached storage area and that is a brick attached.

MR. SOLIS: Yeah.

MEMBER HERNANDEZ: It's brick to brick.

MR. SOLIS: Yes.

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. SAHN: It maintains the character of the overall dwelling.

MEMBER HERNANDEZ: Now, what is the other side? What is the access to the backyard from the other side? Is there access to the other side?

MR. SOLIS: Yes. When you say the other side, do you mean the east side?

MEMBER HERNANDEZ: Yeah, the east side.

MR. SOLIS: There is an 8-foot side yard that runs along the garage.

MEMBER HERNANDEZ: So if you needed to bring any equipment or anything to the backyard, you could go that way?

MR. SOLIS: Correct.

MEMBER HERNANDEZ: So that's what I am thinking of. I guess, theoretically that shed or whatever, that attached could be removed, but wouldn't really serve much purpose.

MR. SAHN: It wouldn't change. There is nothing about that shed that has a negative impact on that neighbor and --

MEMBER HERNANDEZ: Only that it's 4 feet 8 versus 7.

MR. SAHN: Right. But, of course, that neighbor has consented and the people have lived next to this for 20 years.

MEMBER GOODSSELL: We didn't receive any opposition?

MR. SAHN: No. To the contrary. Every neighbor, front, rear, side, across the street, everyone has consented.

MEMBER HERNANDEZ: Just because this is an unusual

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

case, I am going to move to approve it, but I want to make sure that it's documented properly because I don't want someone down the block to decide they are going to do that. We will reserve it.

MR. SAHN: Thank you very much.

MEMBER GOODSSELL: Yes. And I would like to read the material that Mr. Sahn has submitted, but I, for one, as one Board Member, I think your clients have done as much due diligence as they possible could. In fact, it's the same due diligence I would have done as a real estate attorney and I would not have discovered anything like this. And it is probably quite a shock to the owners when they put their application in to do whatever it is that they now wish to do that, oh, a third of your house doesn't seem compliant.

MR. SAHN: A shock would be a very tame way to describe it. I didn't represent them on the purchase.

MEMBER GOODSSELL: So the second shock will be your bill.

MR. SAHN: Frankly, I have not seen a case as this fact pattern. We have seen many of them with prior approvals, but to this extent and existing for this period of time. And again but for submitting an application for interior work only, never would have come up.

MEMBER GOODSSELL: And, Mr. Sahn, I did ask whether your clients were related to the previous owners because it appears

Appeal #21483

1
2 that there was one family that was a long-time owner of this
3 property. And if this had been a relative, a grandfather, a
4 father where the applicant actually has seen these improvements
5 being made and is somehow aware that they are being made, that,
6 to me, is a very different case than a purchaser or a
7 third-party purchaser for value who has done their due
8 diligence and seems to have a certificate of completion,
9 although it's a little vague. So I think we would like to give
10 all due credibility to the applicant by reserving decision, but
11 I, as one Board Member --

12 MR. SAHN: Well, for that reason, Ms. Goodsell, we did
13 include in the memo of law as Exhibit A, the building permit
14 application that will show you that it was signed and notarized
15 by the prior owner totally unrelated, and we had provided the
16 certificate of completion that was issued for this work with
17 the same building permit number on it. So there is no
18 ambiguity in that whatsoever. Again, the Albertsons are very
19 hopeful that the Board will approve this so that they can
20 continue to reside. They have a mortgage, which, of course,
21 would be impacted, and they would like to proceed with making
22 the house more comfortable inside for their family.

23 VICE CHAIRMAN FRANCIS: We are going to reserve
24 decision, but this is probably going to get decided at our next
25 Hearing date, which is in two weeks.

26 SECRETARY WAGNER: We hope.

Appeal #21483

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. SAHN: We all hope.

SECRETARY WAGNER: Pandemics.

MEMBER GOODSELL: Freezing weather.

MR. SAHN: We hope we don't have those circumstances.

And the date of the next meeting is?

SECRETARY WAGNER: The 20th of December.

MR. SAHN: So we appreciate. And if you need anything more from myself or the applicants, please give me a call. We thank you very much.

VICE CHAIRMAN FRANCIS: And thank you very much for a very good presentation.

MR. SAHN: Thank you.

MEMBER HERNANDEZ: Thank you.

MR. SAHN: Thank you. And if I don't see anybody, all the best.

VICE CHAIRMAN FRANCIS: So we will reserve decision on that. Next application.

1 Appeal #21484

2 SECRETARY WAGNER: Next Appeal is Appeal #21484 -
3 Sunayna Ramdeo; 52 Primrose Drive, New Hyde Park; Section 8,
4 Block 314, Lot 7; Zoned: Residence-B.

5 Variances from §§70-40.A, 70-41.A, 70-101.B, 70-39.B,
6 and 70-208.F to construct a portico that is too close to the
7 street and additions to a non-conforming dwelling that make the
8 dwelling too big, are too close to the street and side property
9 lines, and creating smaller than required total (aggregate)
10 side yards.

11 VICE CHAIRMAN FRANCIS: You've heard Appeal #21484. Is
12 there anyone interested in the application other than the
13 applicant? Seeing no one. Please give your name and address.

14 MS. MORELLI: Good afternoon. Victoria Morelli,
15 Architect; 108 Voorhis, V-O-O-R-H-I-S, Avenue, Rockville
16 Centre, New York. Good afternoon, Members of the Board. I am
17 Victoria Morelli, the Architect for the matters.

18 I am here this morning to represent the Ramdeos who
19 reside at 52 Primrose Drive, New Hyde Park. We will be seeking
20 variances for their home renovations. The Ramdeos are a young
21 and growing family with two young daughters who need more space
22 in their home in order to stay and make their home a forever
23 home for their family. In addition, Mrs. Ramdeo's parents
24 often stay with them for extended periods of time so a
25 first-floor bedroom is critical as well as a work area because
26 Mrs. Ramdeo works from home. They entertain a large extended

Appeal #21484

1
2 family and need ample room for seating and cooking. Currently,
3 the house only has two bedrooms on the second floor, and the
4 Ramdeos would like to have all of their children on the same
5 floor with them.

6 The issue we are facing with most, if not all of these
7 variances, is the fact that the house was originally built and
8 zoned as an RC District. To address the setbacks, both front
9 and side, we are using the existing exterior walls for the
10 extension. On the east driveway side where we are starting new
11 construction, we are pushing in to a 12.1 inch setback to be
12 code-compliant. Additionally, the property line is a skew. So
13 the dimensions that are noncompliant are worst-case scenarios.

14 Under the original RC Zoning, this house was allowed
15 5-foot setbacks, which would have allowed us to avoid a
16 variance, and a 12 foot 6 aggregate, which would have only been
17 a 3-inch variance. A great hardship would be incurred to inset
18 the second floor from the first. Expensive beams would be
19 required and we would lose the width for a bedroom on both
20 sides of the stairs. It would also look very awkward from an
21 architectural standpoint.

22 Currently, the existing location of the front foyer is
23 noncompliant with a front yard setback of 26 foot 2 inches.
24 The owners very much wanted a portico to protect the front
25 door, for packages, and people from the weather. However, in
26 order to achieve this, they are requesting a front yard

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

variance, as well. We are attempting to make this portico as small as possible at only 4 feet 8 inches deep. We feel it is not only a necessary element, but it also makes the front of the house aesthetically appealing. Additionally, the owners' gross floor area is 3 percent over the allowable. And at a 192 square feet, we feel this is a de minimis request that was driven by the need for a one-floor guest room, which is a necessity for the family. Again, under RC Zoning, this would have been compliant.

I have included a map of the surrounding area showing all of the additions that were built within feet of 52 Primrose. The house is mostly original to the identical house of 52 Primrose, having only expanded to fit the growing families. We feel our addition and the design will fit appropriately into the current character of the neighborhood and will only increase the beauty and value of the area. If you have any questions, I would be happy to take them.

MEMBER GOODSSELL: Well, I am going to address the issue of the portico first.

MS. MORELLI: Okay.

MEMBER GOODSSELL: Which your client is a little bit -- the house is a little bit unusual in that it already has a minimal entryway, covered on three sides entryway.

MS. MORELLI: Correct.

MEMBER GOODSSELL: What you are asking is for a portico

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

in addition to the entryway?

MS. MORELLI: Correct. So when you open the front door key and have packages that are left out, they will be covered from the rain and weather.

MEMBER GOODSSELL: And that portico, you are saying is 4.8 feet?

MS. MORELLI: 4 feet 8 inches.

MEMBER GOODSSELL: 4 feet 8 inches, which is the proposed portico that you are asking for. There are a few porticos in the area. I did notice one other house that had the slight bump-out -- because the houses are slightly different in that area -- that had an entryway, I would call it, an enclosed entryway and a portico in addition to that. If you were in -- well, let's put it this way. If you were only a few blocks away, as you say, you would be in a district where this would normally be approved.

MS. MORELLI: Correct. And I just want to confirm that you saw the map that I included in the --

MEMBER GOODSSELL: I believe those are on our computer.

MS. MORELLI: Right. Because this shows pretty clearly that a lot of these houses all started out with the same one-and-a-half cape-feeling and have expanded. So our proposed project is really in keeping with a lot of the architecture and the fabric of the existing area just within feet. The next door neighbors have done very similar projects.

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER GOODSSELL: What is the current side yard setback on the residence?

MS. MORELLI: So the existing side yard setback is -- so because it is a skew, it's a 6 foot 9 on the east side in a worst-case scenario and a 5 foot 6 on the west side. So in no case are we ever making it worse than the existing, we are just taking those exterior walls and going up.

MEMBER GOODSSELL: So you are building over the existing?

MS. MORELLI: Correct.

MEMBER GOODSSELL: And your existing setback is already less than what is minimally required?

MS. MORELLI: That's correct.

MEMBER GOODSSELL: It's still a decent-sized piece of property. It's 50 by 125. So it is a fairly large. It's just where the house happens to be situated that it seems to come fairly close to the street.

MS. MORELLI: Yes. And according to the plan's examiner, this was originally an RC Zone, which would have had 5-foot setbacks on the sides, so it would have been compliant.

MEMBER HERNANDEZ: I am having a problem figuring out your plans because you have an existing two-story house then.

MS. MORELLI: It's a one and a half story.

MEMBER HERNANDEZ: One and a half?

MS. MORELLI: Yeah. The second floor is the roof -- is

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

the attic space. So there is some dormers to create two bedrooms and a bath, but it's very small. And there is really the hallway is not even code-compliant by current standards.

MEMBER HERNANDEZ: So you have one bedroom at each end with a bathroom in the middle.

MS. MORELLI: Yes.

MEMBER HERNANDEZ: With doggie dormers for the windows.

MS. MORELLI: Right. And being in an attic space is very uncomfortable.

MEMBER HERNANDEZ: Yes. So you are proposing to remove the roof and, basically, go up?

MS. MORELLI: Exactly. And take those existing exterior walls straight up.

MEMBER HERNANDEZ: But is the back of the house also going out?

MS. MORELLI: So there is a 12-foot addition at the back of the house, and that is also going to be a two story. And on the east side, we are pulling that in to 12 foot 1 inch setback in order to be code-compliant with our side yard. On the west side, we are keeping it in line just because architecturally it wouldn't look really correct, and that is the space we needed for the master bedroom. But we are not in any case going further than what the existing setbacks are.

VICE CHAIRMAN FRANCIS: And the dimensions of the master bedroom, it's hard to read.

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MS. MORELLI: I have a set of plans, if that would be easier. It's 16-feet wide by 14-feet-2-inches deep.

MEMBER GOODSSELL: I am going to ask you the question that we ask almost everyone. Setting aside the issue of the portico for a second and the said yard setbacks, which there is nothing you can do about. When you are adding an addition to a property and you exceed the GFA, we ask you why you need the extra space? Why your client needs the extra space? Because, presumably, you have explained to them the maximum GFA based upon the square footage of the lot and the house.

MS. MORELLI: Mm-hmm.

MEMBER GOODSSELL: So you want to go over that, tell us why.

MS. MORELLI: So a few reasons. Number one, they needed four bedrooms for their current and expanding family on the second floor. They also needed to maintain a bedroom for in-laws who come to visit from overseas for extended periods of time. And they also needed space for -- you can see that the addition on the first floor is kitchen and dining area. So they really wanted that space to be family friendly, to have enough room for having family over, cooking on a daily basis with the children. But the main drivers, I would say, are the bedroom space. And also Mrs. Ramdeo works from home. So that guest bedroom, when not in use for her in-laws or for her own parents, I should say, would become her work space.

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MRS. RAMDEO: May I?

SECRETARY WAGNER: You can come up. Put your name and address on the record.

MRS. RAMDEO: Sunayna Ramdeo. I never changed my name. I just would like to add. So I work from home. My husband is a stay-at-home dad. We have our two little girls. We spend a lot of time in that house, like 90 percent of our time is in that house. We love our house. It's been my dream to live in this neighborhood since I was a little kid and never thought I'd get here and here I am. And when we bought it, we had no intention of doing anything to it, but our lives have changed significantly since we bought. We had another child, thinking about having another one, good or bad. I don't know. And my parents actually are probably -- my dad is going through some health issues now and he is probably going to have to move in with us because he needs care, which is why we are doing this now. Our daughters are on top of each other. Our parents have no room. We love the house, we just need more of it. And I do understand that it is over the allowable gross square footage.

MEMBER GOODSSELL: You are building it a little too big.

MRS. RAMDEO: It's a little too big, we understand. We have tried many different configuration with Victoria to try and get what we need out of the space. And we could have the same number of rooms in 200 less square feet, it's true. It would just sort of defeat the purpose. It would be tight with

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

everything that we need in the house right now. And really the driver is the sort of in-law suite on the first floor, a parent suite on the first floor. Without that necessity, we could go back and still be comfortable, if it was just the four of us. But it's now four adults and two children in the house and two dogs. And it just feels like it would be very tight without that additional square footage.

MEMBER GOODSSELL: But you are still using it as a one-family house?

MRS. RAMDEO: Correct, yeah.

MEMBER GOODSSELL: And it is going to remain one family?

MRS. RAMDEO: My parents would never pay rent in my house.

VICE CHAIRMAN FRANCIS: They would disown you, I'm sure.

MRS. RAMDEO: They would disown me a hundred percent. They would kick me out of my own house.

VICE CHAIRMAN FRANCIS: Did I hear you correctly that one of the rooms is being used as your home office?

MRS. RAMDEO: Yeah, one of the existing bedrooms now. So the house is four bedrooms, two upstairs and two down. There is a small bedroom on the back corner that I have been using as an office. I work full time from home and I have for the last three years, and I hope to continue to do that in the future. So, yeah, we use that one space dedicated as an

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

office.

MEMBER GOODSSELL: It looks like your plans for the new addition will be something out of a TV show.

MRS. RAMDEO: I hope so. Nancy Meyers.

VICE CHAIRMAN FRANCIS: Just a question again with regard to the office. Is there any reason -- because you have a finished basement.

MRS. RAMDEO: Yes.

VICE CHAIRMAN FRANCIS: Is there any reason why you could not work out of the basement?

MRS. RAMDEO: We could, if we reconfigured. So my daughters share a room upstairs. That bedroom in the basement is their playroom right now. And we don't have a family room. We have a formal living room and a dining room. So we use half the basement as our den/living room and the other half as the play area. Then the rest of it is just storage and laundry. If we had to, I could move down there, but I would rather not because it's dark and damp.

MS. MORELLI: And I think also something we had discussed was future needs. Her family is potentially growing to another child and that would use up all the bedrooms upstairs, and then that bedroom when the family is in town and if they do move in permanently. I think Mrs. Ramdeo would like a flex space now that that would be sort of occupied full time.

MEMBER GOODSSELL: I, as one Board Member, do not have a

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

problem with the portico.

VICE CHAIRMAN FRANCIS: I don't, either.

MEMBER GOODSELL: I do not have a problem with the side yard setbacks. The applicant is certainly staying within the side yards that are currently there. The issue I would like to look at a little more closely is whether there is something that could be done to minimize the amount of the variance. We are charged with granting you the minimal variance necessary to achieve your goals. Now, if you wanted to go 20 more feet off the back of the house, of course, that would be way too big, and if you came right to the inch that's allowable, that might be too small. And what I would really like a little time to consider is whether or not what you are asking us is reasonable and whether it is something that we would be inclined to grant not just to you. Because, of course, once we grant to you, your neighbors are going to look at this and say, wait a minute, they got 400 extra square feet, I want 400 extra square feet, and what do we say to them? We say special circumstances.

MRS. RAMDEO: I would just submit also that we have a neighbor not next door, but the house beyond, two houses down that is significantly -- he is at 3,000-plus square feet. We have a neighbor two houses away that is at 3700 square feet. And we have other houses going up in the neighborhood that are massive.

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMBER GOODSSELL: It's not the size of the house. It's the size of the house in relation to the size of the lot.

MRS. RAMDEO: Right. Okay.

MS. MORELLI: So when we first started this project and we sat down, we did have the addition that the rear was significantly larger. It's about 16 feet back instead of the 12. 16 to 18 we were playing with. One of the wish-list items was a family room and things like that. When we started to look at the numbers and how it affected zoning, it was concerning to me, as well, because I am a firm believer in the size of the property should be respectful. So we really tried in an effort to get that number under 200 square feet additional. So we got to 192 by pulling that addition back to a 12 foot. We let the family room go and the idea would possibly be a basement area or something like that. So we have really tried to minimize the impact of the variances.

And another thing I would like to point out is that the bedroom themselves, like if I had to trim the bedrooms along the length of the house or 11 feet, 11 feet, and then the master is 14, those are really minimal dimensions. So there is not a lot of fat to trim off of that. So we were in hoping of keeping that 200 square feet additional under that. We really have tried to do that exercise even prior to coming to you, so.

MRS. RAMDEO: We appreciate your time.

MEMBER HERNANDEZ: Before you go, I just want to make

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

one comment because I am the cook in my house. I don't know if it's you or your husband.

MRS. RAMDEO: It's me.

MEMBER HERNANDEZ: Okay. I would look very closely at your kitchen. Because you have built a kitchen that is over 400 square feet, 456. You have a distance between your sink and your refrigerator of close to 30 feet in distance. You are going to wear your feet out trying to cook back there. Go to any professional kitchen.

MRS. RAMDEO: You want a triangle.

MEMBER HERNANDEZ: Not just a cooking triangle, it's space. You have one, two, three, four -- a five-seat island. I have an island in my kitchen with my sink on it, okay, and four, that, is a huge island. You have five without a sink. You have more than a island.

MRS. RAMDEO: We have a small city. Yeah, I understand.

MEMBER HERNANDEZ: And again, I am saying it two-fold. One is as a cook, it will behoove you to rethink it. Also, you have a lot of space there that is not going to be used because you are never ever going to have 8 people sitting on your island. You have a lovely dining room next to it. You have a breakfast nook next to it. You have a breakfast nook next to it, which is -- what is that -- 14-feet wide by about 8-feet deep is your breakfast nook. So you have a lot of redundancy

Appeal #21484

1
2 in your floor plan. And as the Vice Chairman said earlier, I
3 am not the architect, the Chairman is, he would look at this
4 and can see a huge amount of space that you might be able to
5 get your -- I don't know -- different sitting space here that
6 is not just spent in an area that you are not going to use, all
7 right. So you can go ahead now and do the five factor.

8 VICE CHAIRMAN FRANCIS: So in front of you on that
9 podium are the five factors that we live and breath by. If you
10 would just go through that and give us reasons for each one.

11 MS. MORELLI: Okay. So an undesirable change would not
12 be created. Actually, the opposite. It is our goal to make a
13 much more desirable house that would actually be more in
14 keeping with the fabric of the neighborhood. So we think it
15 would only increase the value of not just 52 Primrose, but it
16 would also increase the comps and value of the surrounding
17 properties.

18 Whether the benefit sought by the applicant can be
19 achieved? Like we talked about, the driver really here is the
20 bedrooms. And I understand looking at the first floor, it does
21 seem large. It was my clients desire to have a gourmet-style
22 kitchen, family. There is a lot of families that spend time in
23 the kitchen and cooking in this house more so than even a
24 family room. They decided to opt for this space. So we do
25 believe that the driving force of the dimensions of the
26 bedrooms really prevent us from any alternatives.

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Number three, the requested variance is substantial. I feel that relative to understanding that this house's zoning was changed and it was designed really for 5-foot setbacks, there are multiple variances, which is problematic, I'm sure. But we don't feel that any one is extreme.

Number five, would the variances have an impact on the physical or environmental conditions? No. We believe that it would only increase the beauty of Primrose.

And if the difficulty is self-created. We feel that if we had previous zoning in the RC District, we could certainly design within that, but because that is out of our control, we do have to comply with current zoning. We don't feel that that is a self-imposed issue.

VICE CHAIRMAN FRANCIS: The only reason why it is is because she bought that house.

MS. MORELLI: Right. Correct.

VICE CHAIRMAN FRANCIS: So self-created it's --

MS. MORELLI: Yes.

VICE CHAIRMAN FRANCIS: So there is one factor.

MS. MORELLI: Yes. And we did look at pulling in to be code-compliant on the sides of the house, but it really makes for a very unattractive elevation and a very expensive one, because the beams you would have to be putting in to support that second floor wall are extreme and really unnecessary.

MEMBER HERNANDEZ: But you are blowing the house out

Appeal #21484

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

back?

MS. MORELLI: We are going back, yes.

MEMBER HERNANDEZ: So you are building a new foundation
back there.

MS. MORELLI: At the back, right.

MEMBER HERNANDEZ: And the back adds to the square
footage of the house, as well.

MS. MORELLI: Yes, correct, and the side yards.

MEMBER HERNANDEZ: The side yards we understand. And
there was a grant made earlier on this house that permitted the
side yards, you know.

MS. MORELLI: Yes.

MEMBER HERNANDEZ: But now you are also adding more
square footage over a new foundation.

MS. MORELLI: Correct, yes.

VICE CHAIRMAN FRANCIS: All right. Anything else? We
are going to reserve decision on this. It probably will not be
decided today.

MEMBER GOODSSELL: Your point is well-taken, at least
from me. I live in this area, probably about a mile and a half
away. I knew exactly where Primrose was, except I did not know
this house per se.

MS. MORELLI: Right.

MEMBER GOODSSELL: And there are very nice houses in the
area. What we are really looking at is, is this house going to

Appeal #21484

1
2 stand out if you allow this particular addition? It's a point
3 well-taken that if you trim the first floor, you, obviously,
4 have to trim the second floor because if you are going to put
5 that many bedrooms -- and it seems like your family could use
6 that many bedrooms -- if you are going to put that many
7 bedrooms and design the second floor, whether four bedrooms and
8 two baths or whatever, you can't have the second floor overhang
9 the first floor in the back, unless it's a specific design that
10 way.

11 MS. MORELLI: Right.

12 MEMBER GOODSSELL: So I would like to get the Chairman's
13 opinion, and he said he was going to be here shortly. So I
14 think we should keep the record open.

15 VICE CHAIRMAN FRANCIS: So we are going to continue it
16 because.

17 MEMBER GOODSSELL: He is an architect, so he will look
18 at these plans.

19 MS. MORELLI: That's great. And I would also say like
20 if we could take a foot or 2 off an 11-foot-wide bedroom and go
21 down to a 9 at a certain point. They are investing so much
22 money into this.

23 MEMBER GOODSSELL: My son lives in a shoebox of an
24 apartment and the baby's room is 8 foot by 10. Trust me, I
25 know how small that is.

26 MS. MORELLI: 11 is like the minimum I would like to

1 Appeal #21484

2 do. Okay. I appreciate that. So we should stay here and wait
3 for the architect?

4 ATTORNEY ALGIOS: No.

5 SECRETARY WAGNER: No. We are going to discuss it and
6 we will let you know. We will let you know.

7 MEMBER HERNANDEZ: Because we don't know what time he
8 is arriving.

9 SECRETARY WAGNER: We will let you know if there are
10 any changes and what his opinion is.

11 MS. MORELLI: Okay.

12 SECRETARY WAGNER: So we will continue. We can
13 probably discuss it maybe even later on today.

14 MS. MORELLI: Okay. And then do we come back for a
15 continuance?

16 SECRETARY WANGER: No. You can also look at the live
17 stream, if you want. We do deliberate later. You are welcome
18 to stay, if you want.

19 MS. MORELLI: Thank you. I appreciate it.

20 SECRETARY WAGNER: We are just going to take a
21 five-minute break before the next one.

22

23 (Whereupon, a recess was taken at this time.)

24

25

26 SECRETARY WAGNER: Next Appeal is Appeal #21485 - Fan

1 Appeal #21485

2 Yang; 254 Jerome Avenue, Carle Place; Section 9, Block 94, Lot
3 81; Zoned: Residence-C.

4 Variances from 70-49B, 70-49.C, 70-51.A, and 70-52.3(A)
5 to construct additions that make a home too big, create smaller
6 than required total (aggregate) side yards, and pierce the
7 allowable sky exposure plane profile.

8 VICE CHAIRMAN FRANCIS: You've heard Appeal #21485.
9 There is no opposition because there is no one else in the
10 room. Please give your name and address.

11 MR. FIORE: Brain Fiore; 208 North Wisconsin Avenue,
12 North Massapequa, New York. I am appearing on behalf of the
13 Yangs. And Ray Donner, who is the architect who designed this.
14 I didn't actually design this addition. But we are proposing a
15 second-story addition and a rear two-story addition, which is
16 over the allowable gross floor area. It doesn't meet the
17 aggregate side yards and is encroaching the sky exposure plane.

18 The proposed gross floor area is 3,538 square feet
19 where 2800 is required for it being a 6,000 square foot lot.
20 Otherwise, we would need the gross floor area to be 50 percent,
21 we are proposing 59 percent. The additions align with the
22 current dwelling sides and do not come any closer to the side
23 yards than what currently exists. So there is a total side
24 yard of 13.48 where 15 is required and the 1.52 difference, we
25 feel that's a pretty small amount for the side yards. And we
26 would like to propose a change in the roof design to a hip roof

Appeal #21485

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

to help reduce the mass in bulk of the house. We feel like that will eliminate the sky plane exposure variance by adding the hip roof to this house, which will hopefully help the application somewhat.

MEMBER GOODSSELL: That, was going to be one of our questions, because it violates sky plane by a fairly substantial amount. And have you prepared such plans?

MR. FIORE: Correct. I suggested it to the architect and the homeowners, but I am offering it, as well. I told them it's almost guaranteed, so that's why we are bringing that up, you know. I did do some research on homes in the area. There are certainly built-up homes of this size in the area, but they are all on slightly larger lots, over 6,000 square foot lots, so they did not require gross floor area variances. Unfortunately, they had other variances. So there are -- it is consistent with the built-up homes in the area, but, unfortunately, their 6,000 square foot lot is limiting their gross floor area. There are two humongous houses that have 8,000 square foot lots. So they are at-right to build a 6,000 square foot house, but they are in the area. So it's not completely out of context.

MEMBER HERNANDEZ: But the image that it gives is very different. They are both large houses. One is a large house on a large lot and the other one is a very large house on a small lot. So it does look very different.

Appeal #21485

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. FIORE: Correct. But we are adding to the rear of the house. So from the street, it would look pretty much the same with or without the rear addition. And I also would like to add, this house doesn't have a basement. Slab on-grade house, so the items that are normally in their basement have to be in the area that counts towards the gross floor area, such as their mechanical rooms, their laundry rooms, you know. Typically, you have a rec room down there that they don't have, which are spaces that they are looking to have for their kids on the first floor. So those are part of the reasons why they are asking for their addition and what they are looking for. And I know there was a letter from a neighbor concerned about the size of the project also.

VICE CHAIRMAN FRANCIS: In terms of gross floor area, it's over by a lot.

MR. FIORE: It is.

VICE CHAIRMAN FRANCIS: You know, I can't think of a time in the last 14 years where we've granted that much in overage. So I guess, the question is, how do we make this work for your clients?

MR. FIORE: I could understand. You know, there is definitely room to cutback on the rear addition, you know. We are asking for 10 feet out. I am not sure of the acceptable amount of what would be approved by the Board, but I would think it would be somewhat substantially reduced.

1 Appeal #21485

2 VICE CHAIRMAN FRANCIS: Well, our job is to grant the
3 minimum variance that we can.

4 MR. FIORE: Correct.

5 VICE CHAIRMAN FRANCIS: So that really should be the
6 driving force in terms of where to go with this. As it sits
7 right now --

8 MR. FIORE: It's over by 738 square feet.

9 VICE CHAIRMAN FRANCIS: Yeah, so that's significant.

10 MR. FIORE: Two stories. If you, you know, reduced
11 even down to a 3,000 square foot, which is at 50 percent gross
12 floor area, that would probably take out 500 square feet.
13 Divide it by two, 250 per floor, it's probably going to take 5
14 or 6 feet off the rear addition. I still think they can
15 achieve what they are looking for with a 3,000 square foot
16 home.

17 MEMBER GOODSSELL: Let me tell you what we do not have a
18 problem with or most of us do not. Your side yard setbacks,
19 which this is not new construction, and you heard from the last
20 Appeal --

21 MEMBER HERNANDEZ: Well, it might as well be now.

22 MR. FIORE: It's going to be deemed a substantial
23 improvement, 50 percent improvement.

24 MEMBER GOODSSELL: Your side yard setback bothers me
25 less than your overage on the allowable square footage, your
26 clients overage. And the fact that they do seem willing to

Appeal #21485

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

compromise by removing the sky plane issue, by redesigning the new roof, perhaps, you might discuss with them possibly cutting back what they are asking for. They are entitled to put their presentation in and you're entitled to put your presentation in and accept whatever decision that we have or that we make, but you see which way the Board is going. You might want to discuss with them some modifications to the plan.

MR. FIORE: Of course. Of course. And I'm just kind of looking for, obviously, over by 738 square feet, something you don't see very often, even 400 square feet.

MEMBER HERNANDEZ: In an RC, especially.

MR. FIORE: That's why I am trying to suggest maybe cutting it in half of the overage.

VICE CHAIRMAN FRANCIS: So I think for us, the two major factors are the sky plane issue.

MR. FIORE: Which we are going to eliminate.

VICE CHAIRMAN FRANCIS: Which you are going to eliminate. And the gross floor area. I think both of those require new plans.

MR. FIORE: Correct.

VICE CHAIRMAN FRANCIS: So I would suggest that we continue the application for new plans to be submitted. Then we will have our Chairman with us who is an architect, and then we will be in a better position to move on this application.

MR. FIORE: That makes perfect sense. So we adjourn it

Appeal #21485

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

for another Hearing?

VICE CHAIRMAN FRANCIS: It won't be another Hearing.

MR. FIORE: Just submitting plans, all right.

SECRETARY WAGNER: Just for the record, you did receive the letter that was submitted to the Board?

MR. FIORE: I did receive the letter. There is a neighbor directly behind them that is concerned, but I do feel like changing the roof will reduce some of that mass and reducing the scope will actually help them. But they did mention something about devaluing their property with the addition, but I actually feel like it's going to increase the value of their property having a house, you know, that would potentially sell for substantially more in their area.

MEMBER HERNANDEZ: And the problem is that the neighbor will still have -- even though you are going to hip the roof -- they will still have a very big wall very close to their house and that has to be taken into consideration.

MR. FIORE: So we will submit revised plans and we will connect.

VICE CHAIRMAN FRANCIS: Sounds good. Thank you very much.

SECRETARY WAGNER: So if you can submit those to the Building Department, as well, in addition to the portal. Make sure that if you are withdrawing the sky exposure plane, we would want them to confirm that that was actually compliant.

1 Appeal #21485

2 MR. FIORE: So we will upload them to the portal and
3 online.

4 SECRETARY WAGNER: And e-mail the plan's examiner and
5 we will coordinate with them.

6 MR. PERROTTA: Send them to both of us.

7 MR. FIORE: Okay. No problem. Thank you. Have a good
8 day, everyone.

9 VICE CHAIRMAN FRANCIS: Thank you very much.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 Appeal #21486

2 COMMERCIAL CALENDAR

3 SECRETARY WAGNER: Next Appeal is Appeal #21486 -

4 Garden City Park Associates, LLC (Big City Tacos); 2481 Jericho
5 Tpke., Garden City Park; Section 9, Block 612, Lot 51; Zoned:
6 Business-A.

7 Conditional Use § 70-126(A) and Variance from §
8 70-103(A)(1) to convert tenant space into a restaurant with
9 outdoor seating and not enough parking.

10 VICE CHAIRMAN FRANCIS: You've heard Appeal #21486. Is
11 there anyone interested in the application other than the
12 applicant? Seeing no one. Mr. Avrutine, please give your name
13 and address, sir.

14 MR. AVRUTINE: Good afternoon. Good to see you all.
15 Howard Avrutine; 2116 Merrick Avenue, Merrick. This is the
16 application of Big City Taco, Incorporated as tenant and Garden
17 City Park Associates, LLC as owner for a conditional use permit
18 and a parking variance authorizing a conversion of certain
19 tenant space to a restaurant with outdoor seating.

20 The premises under application is located on the
21 northeast corner of Marcus Avenue and Jericho Turnpike and
22 running through the Herricks Road in Garden City Park. It is
23 located in the Business-A Zoning District. It is known as the
24 City Park Shopping Center. The Board will recall several
25 recent applications involving the center; the F45 Gymnasium,
26 the Lidl Supermarket, the Dogtopia daycare facility, the Mufu

Appeal #21486

Japanese restaurant, the optics optical shop, and most recently, the bubble tea establishment. Lidl, Dogtopia, Mufu, and bubble tea all received a conditional use or special use approvals from this Board. In addition, there were parking variances granted by the Board for various uses in the past.

The application before you concerns a proposed Big City Taco restaurant to be located in a 1,914 square foot space on the easterly side of the center adjacent to the Dogtopia facility. The proposal also requires a parking variance. The center has 373 spaces and the total required is 444. The proposed restaurant requires 44 spaces as per Town requirements. You will notice that the floor plan depicts 43 seats inside, 34 seats outside, plus an additional 8 outdoor counter seats. This Board previously approved the parking variance in 2022 under Case #21321 for the optics optical store where 397 spaces required and 373 spaces existing, as I indicated.

The hours of operation for the new restaurant are proposed to be 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and on Friday and Saturday 11:00 a.m. to midnight. Anticipated total staff will be 7 to 10 depending upon the busy times. At this point in time, unless the Board has specific questions for me, I would like to call Keyan Cody from R&M Engineering who did the traffic and parking analysis to address the parking variance issues.

1 Appeal #21486

2 VICE CHAIRMAN FRANCIS: Sure.

3 MR. AVRUTINE: Thank you.

4 MR. CODY: Good afternoon, Vice Chairman and Members
5 the Board. Keyan Cody with R&M Engineering. Our offices are
6 at 50 Elm Street in Huntington, New York. We were retained by
7 the applicant to perform a parking study for the project. The
8 Board is very familiar with the site. It has been the subject
9 of a parking various in the past. I think I have been before
10 the Board maybe six times in the past three times. I know you
11 are just used to seeing Wayne up here talking about it, but
12 this time it's me.

13 So the applicant is proposing to fill, I believe, it's
14 10 spaces, 26 on the plans with a taco shop, Big City Tacos.
15 It's 1914 square feet. As Howard was saying, we have 373
16 spaces onsite. We are looking for a variance that prevents an
17 intensification, I believe, of 47 spaces over the previous
18 versus for a total of 71 spaces. What we did do is we went and
19 we updated the field observations. We went out in the summer
20 in July, July 22nd and July 28th on a Friday and a Saturday.
21 And we observed from 11:00 a.m. to 9:00 p.m., the whole
22 shopping center. And what we founded was that the two peaks
23 were during the midday. On a Friday, it was 11:30 a.m. and
24 there were 332 vehicles out of 373 spots. And then on Saturday
25 at 2:00 p.m., there were 244 out of 373 parked. So we had a
26 129 spaces vacant during the most busy period.

Appeal #21486

1
2 What we did do, though, was we focused on the specific,
3 that northeast corner, that area. Because if you have been
4 there, you can sort of see the main bulk of the shopping center
5 on Jericho is sort of what is most busy, that northeast corner.
6 It doesn't really have very much people parking there at the
7 moment. Mainly because it's just Dogtopia and, I believe, now
8 a liquor store is over there, and soon to be Big City Taco, we
9 hope. But that area in itself is about 93 spaces that's sort
10 of that long strip of parking that is right in front of the
11 Lidl and up to that corner. Within that, we found that the two
12 peaks were at 12:00 p.m., 38 out of 93 on a Friday. And then
13 at 2:30 on a Saturday, there was 37 out of 93. So it's pretty
14 consistent. And essentially, what we found is there is upwards
15 of 50 spots free in that area at any given time based on those
16 observations.

17 Now, to estimate the parking associated with the
18 proposed use, what we did was we added up the 1914 square feet
19 of the actual interior space and then 480 square feet of the
20 outdoor space sort of just to treat it all as one big space.
21 And we used the Institute of Transportation and Engineers
22 Parking Generation manual and we used the code permitted to a
23 fast-casual restaurant. So sort of in between a full sit-down
24 menu and more of a high-end fast food or somewhere where you
25 go, you would have a menu board, you have a place to sit, and
26 then they bring you food to the table and things like that.

Appeal #21486

1
2 And essentially, what that is is on the Friday, it's about 9.93
3 or around 10 vehicles parked per thousand square feet. And
4 then a little bit lower on the Saturday at 8.7 vehicles parked
5 per thousand square feet, which is 2,300 square feet, roughly.
6 It's 24 vehicles on a Friday and 21 vehicles on the Saturday.

7 And then in addition to that, we wanted to look at --
8 because we know there is still a few vacant tenancies or
9 tenants that might not be fully in yet. So we worked with the
10 applicant and the landlord to figure out what tenant spaces
11 were vacant at that period of time, and we developed the rate
12 specific to that shopping center based off our observations.
13 And what we found were the two rates that we decided for the
14 Friday and Saturday were very in line with what ITE rates are
15 for a general shopping center. So we found it vibed really
16 well with that. It made a lot of sense. And basically, what
17 we found was the vacancies would generate about 11 vehicles
18 more during the Friday and 12 vehicles during the Saturday.

19 And then what we finally did is we added up the
20 existing demand in that northeast corner, along with the Big
21 City Taco demand, and the vacancy demand, which we just put it
22 all in that corner just to be conservative, and we found out
23 that there would be more than 20 vacant spaces. I believe it
24 adds up to on a Friday, 73 parked vehicles over there, and then
25 on a Saturday, 70 out of the 93 total spaces. So we found
26 there would be more than 20 vacant spaces that is shoving all

Appeal #21486

1
2 the traffic in that specific corner. And throughout the site,
3 there is 120 spaces free. Essentially, we found there would be
4 no parking issue based off this, even including the vacancies
5 that were accounted for. And then we just sort of added in a
6 quick trip generation using the ITE 11th Edition Trip
7 Generation manual. For the 2,400 square foot fast food, casual
8 restaurant, which is three trips in the morning, 34 trips in
9 the midday, 30 trips in the p.m., and 78 during the Saturday.
10 But it doesn't really take into account any shared parking
11 between any other uses. You could be on the site dropping your
12 dog off and maybe you get a taco or something like that. I am
13 happy to answer any questions, if you have any.

14 VICE CHAIRMAN FRANCIS: I guess, from the layout of the
15 center itself, there really is no impact on the residential
16 areas that's adjacent to it?

17 MR. CODY: No. There is a good amount. There is
18 pretty good evergreen screening or high trees. Then there is a
19 high fence along the back. It goes and it wraps all the way
20 around the side and the driveway. So there is really no impact
21 on the residential properties behind them.

22 MEMBER HERNANDEZ: This shopping center is really
23 defined as being self-limiting because you certainly cannot
24 drive into that community behind it because there is a wall
25 there.

26 MR. CODY: Yeah, and I believe it also drops down. I

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

think you would be hitting like a retaining wall or something.

MEMBER HERNANDEZ: And on the sides, you, basically, have other shopping centers and main thoroughfares. So if you are going to go there to get a taco or go to Lidl or whatever and you can't park, you are going to go someplace else because there is just no way.

MR. CODY: No, you wouldn't park in the residential. It wouldn't be useful to you at all.

MEMBER HERNANDEZ: So either you park there or you leave.

MR. CODY: Pretty much, but what we did find is you should be able to park there.

VICE CHAIRMAN FRANCIS: All right. Thank you. Very good.

MR. AVRUTINE: Just as a remainder to follow-up on Mr. Hernandez's question. We went through extensive review and process at the Town Board level regarding the site plan. And when the Lidl was considered and approved, significant protections were put on to the property regarding the residents and that whole community; sound prevention, sound elimination prevention wall, limitations on delivery, limitations on the use of the access --

MEMBER HERNANDEZ: Nighttime access.

MR. AVRUTINE: Exactly. All of those items. And to those of you who have been to the center, it's been a fabulous

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

upgrade from what it was. So what the landlord has consistently done throughout this redevelopment process is to bring in tenants that were complimentary to each other so that there would not be anything that is unbalanced, if you will. So the whole point here, as Mr. Cody pointed out, is that there is quite a bit of excess available parking on that easterly side of the center, so a restaurant use is really ideal there. Because the Dogtopia is, basically, pick up and drop off, so there is no one coming and staying.

MEMBER GOODSELL: With limited hours. They are not open 24 hours.

MR. AVRUTINE: Exactly. And the whole notion of the restaurant in the evening will be busy when Lidl is less busy. So all of these things compliment each other and we think is a wonderful mix and will be yet another positive addition for the center and for the community at large.

I also have with me this morning the project architect, if the Board Members have questions, as well as a representative of the applicant who could answer any questions.

VICE CHAIRMAN FRANCIS: I have some questions about the outdoor seating. I need to hear the method of mitigating trash that would be generated with regard to having outdoor seating in that area.

MR. AVRUTINE: Just give your name and address for the record.

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. FANNING: Hello, ladies and gentlemen. My name is Eddie Fanning. I represent A2Z Consulting. I am working with a collaboration with my client to build this project.

So as far as the outdoor seating, it's going to be kind of like a hybrid of a full-service restaurant and a fast-cash. So customers will go up to the counter, order their food, and they will bring it outside. Everything will be served in takeout containers. We will put receptacles on the outside as well as the staff will have runners and bussers, basically, running around, cleaning up the outside and collecting the trash on the tables as it happens. Because we don't want to leave a mess. We want to be able to turnover and have more people sit down. So that will be part of the standard operation procedures we put in place for our staff, that that will be their job description. Whenever a table gets up, they will go over to the table, collect everything, put it in the trash. And I also believe there is plenty of trash receptacles and dumpsters in the back. I think there is -- whatever those are -- the compacter. Plus, we are going to be required to have a refrigerated garbage area inside the restaurant.

MEMBER GOODSSELL: You won't have any issue with outdoor trash on week, like this week. It's 23 degrees.

MR. FANNING: Well, exactly, yeah.

MEMBER GOODSSELL: That's purely a summer issue.

MR. FANNING: I am glad you brought that up. I was

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

about to say, the only time we are going to use it is like late spring into early fall.

MEMBER GOODSSELL: When this shopping center was first developed, I didn't think there was enough room to put tables, but apparently there is.

MR. FANNING: Yes.

MEMBER GOODSSELL: So when there is a will, there is a way.

MR. FANNING: I think it's going to be a good addition because we are also planning to have like -- we want the vibe, the Big City Taco's vibe, we want you to walk into the place and feel like you are in Mexico. So that's why we are putting in the garage doors to keep it open. Again, because it's not so big, it's going to feel like the whole place is kind of outdoors, especially in the summer months.

VICE CHAIRMAN FRANCIS: So no use of outdoor heating elements?

MR. FANNING: No. No, we are not going to do that. If it's warm enough, we will be open. If not, people are going to sit inside.

MEMBER GOODSSELL: In central air-conditioning.

MR. FANNING: We also want it to be more people just coming in, ordering. Like, the concept, these taco concepts that are popping up all over the place, like Tacombi in Westbury, they're whole concept is come, grab your food, and

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

go, you know. Order ahead on the app.

VICE CHAIRMAN FRANCIS: In terms of DoorDash and those kind of services, do you contemplate using those types of services?

MS. FANNING: Yes, absolutely.

VICE CHAIRMAN FRANCIS: And if you could give, I guess, like a percentage of that?

MR. FANNING: Generally, in projects I have done in the past, UberEats, GrubHub, and third-party, they usually run about 25 percent of your overall gross sales. Plus, we are going to be doing our own deliveries, which we will use these third-party drivers as a white-labeled service to deliver directly so we don't have to pay the 30-percent commissions that they collect. And the food is going to be great.

MEMBER GOODSSELL: Well, I am all about the food. Another place for lunch can't possibly be bad.

MR. FANNING: It's going to be the most authentic taco you've had.

MEMBER GOODSSELL: As Mr. Hernandez says, if somebody wants to come and they cannot park, they are going to leave.

MR. FANNING: Yeah, absolutely.

MEMBER GOODSSELL: Because there is now a large fence there. You can't park in the other parking lot. You can't park in Wells Fargo. They are very possessive about their parking spaces. So unless Dogtopia has a run on dogs or the

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

liquor store is throwing a blowout sale, I think your parking would be more than adequate.

MR. FANNING: I agree.

VICE CHAIRMAN FRANCIS: There is a great Mexican restaurant on Post Avenue in Westbury, so I will be comparing this new place.

MR. FANNING: What is it called? I have to go check it out now.

VICE CHAIRMAN FRANCIS: Off the top of my head, I can't think of it, but it's right on Post Avenue. It's small.

MR. FANNING: Little Mexico?

VICE CHAIRMAN FRANCIS: Yes, that's it. Love it. Very good food.

MEMBER GOODSSELL: And there is no competition right for Mexican or tacos in that particular shopping center.

MR. FANNING: No.

MEMBER GOODSSELL: There was a place called Green Cactus for many years.

MR. FANNING: Right, and that's one of the things that drew us to that shopping center. Like Mr. Howard said, it's the synergy with the other clients. We don't want to be in competition or have any similar items. It's a good synergy, it blends well. And I think it's something that could really do very well.

VICE CHAIRMAN FRANCIS: Okay. Thank you very much.

Appeal #21486

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MR. FANNING: Thank you, guys.

MR. AVRUTINE: Thank you very much. That completes our presentation, unless the Board has any further questions.

MEMBER GOODSSELL: Well, we do need to impose restaurant conditions, but I, for one, the more places we have to eat, I am all about the food, the way our Chairman is all about sunsets. I would make a motion that we grant the application, but that we impose restaurant conditions, which include, as was mentioned, the refrigerated trash. We might put as a condition to approval, a certain number of trash receptacles outside, since outside dining in this area is a little bit new. And at least one large one, possibly two.

MR. FANNING: I would say three.

MEMBER HERNANDEZ: I was going to say, they are going to know.

MR. FANNING: For us, the more the better.

MEMBER GOODSSELL: For the outdoor dining areas, I would say at least one in each area.

MR. FANNING: We will probably have three along the other side and maybe one in the smaller side in the front.

MEMBER HERNANDEZ: Based on the number of tables.

MR. FANNING: Yeah.

MEMBER GOODSSELL: So I would add the installation of trash receptacles and restaurant conditions.

VICE CHAIRMAN FRANCIS: Before we move on a motion, I

Appeal #21486

neglected to ask about delivery, delivery to the restaurant and times of the delivery and so forth.

MR. FANNING: So we understand there is restrictions on the property with delivery and we will make sure all of our vendors will abide by those rules and not deliver outside of those times. I don't know exactly what they are, but we were aware of it. And we have two vendors we are going to be predominantly dealing with that also do deliveries to other restaurants in the shopping center, so it shouldn't be a problem to abide by that.

VICE CHAIRMAN FRANCIS: Okay. We have a motion. Do we have a second?

MEMBER HERNANDEZ: Second.

VICE CHAIRMAN FRANCIS: Second by Member Hernandez. Ginny, please poll the Board.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Acting Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye. The application is granted.

MR. AVRUTINE: Thank you so much.

MR. FANNING: Thank you, guys. Have a great holiday.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Proceedings

MEMBER HERNANDEZ: Move to adopt SEQR.

MEMBER GOODSSELL: I will second.

SECRETARY WAGNER: All in favor?

(Whereupon, all Board Members voted unanimously.)

SECRETARY WAGNER: SEQR is adopted. The calendar for
2024. We are adopting the BZA calendar for 2024.

MEMBER GOODSSELL: I am going to propose that we do
adopt it. I will make the motion.

MEMBER HERNANDEZ: Second.

SECRETARY WAGNER: All in favor?

(Whereupon, all Board Members voted unanimously.)

(Time noted: 1:08 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

C E R T I F I C A T E.

STATE OF NEW YORK)

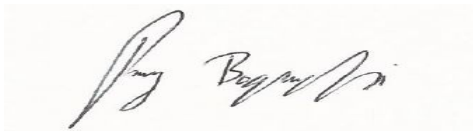
) Ss.

COUNTY OF NEW YORK)

I, Amy Boguszewski, a Shorthand
(Stenotype) Reporter and Notary
Public, do hereby certify that the
foregoing proceedings, taken at this
time and place aforesaid, is a true
and correct transcription of my
shorthand notes.

I further certify that I am
neither counsel for nor related to any
party to said action, nor in any wise
interested in the result or outcome
thereof.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12th day of
December, 2023.

A handwritten signature in black ink, appearing to read 'Amy Boguszewski', is written over a light-colored rectangular background.

AMY BOGUSZEWSKI