

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, January 8, 2025
10:00 a.m.

BOARD MEMBERS PRESENT:

David Mammina, Vice Chairman
Patricia Goodsell, Member
Daniel Donatelli, Member
Jay Hernandez, Member

ALSO PRESENT:

Deborah Algios, Deputy Town Attorney
Virginia Wagner, Secretary
Steven Perrotta, Planner
Mariesel Berrios, Stenographer

1 CHAIRMAN MAMMINA: Everyone, please rise, and join Member
2 Donatelli in the Pledge of Allegiance.

3 (WHEREUPON, the Pledge of Allegiance was recited.)

4 CHAIRMAN MAMMINA: Good morning, ladies and gentlemen, and
5 welcome to the Town of North Hempstead. What we like to do before
6 we get started is just spend a few minutes to talk about the way that
7 we do things here in the town in case you have never been to a zoning
8 board before, or you may have gone to a zoning board in a different
9 municipality, and we might do things a little differently. What I
10 will say is if you've never been before a zoning board before, please
11 just relax when you come up. Our job is to, at least in this, I think,
12 this Board's mind, is to make you feel comfortable, help through the
13 process, and the outcome then becomes the outcome.

14 What will happen is as each case is called by our secretary,
15 Ms. Wagner, we will then ask for the applicant, the rest of the
16 applicants to identify themselves and to come on up to the podium.
17 If there are two of you who wish to speak, that's fine. You'll give
18 your name and address, and we just ask that, you know, one at a time
19 because our very, very, able stenographer is taking down everything
20 that we're saying, so when got overlapping talk, it's difficult or
21 impossible for her, and sometimes, we have to remind ourselves on
22 the board to also not do that. I will also ask then if there's anyone
23 who's sitting here who has interest in the application, who may want
24 to speak, either for the application or against the application, and
25 just so that we identify that so we can invite them up after the
26 presentation is made by the applicant. So the applicant will then

1 make their presentation to the Board, and the Board will ask whatever
2 questions it needs to ask. We'll ask if there's anyone who has
3 interest. If there is no one, we'll just continue. If there is
4 someone or several people, whatever, they'll be invited up one at
5 a time. There is a three-minute time limit on anyone who comes up
6 to speak either for the application or against the application. The
7 applicant essentially has as much time as they need to make their
8 case.

9 After we have heard those two sides it, the applicant's and
10 anyone who might have interest. The Board will then do one of four
11 things. We will either prove the application. We will either deny
12 the application. We may continue the application, which means that
13 we're asking the applicant to give us some more documentation that
14 they may have spoken about or the applicant saying I got this or that
15 and I'd like to bring in so that would be continuing it, or we as
16 our fourth alternative, if there's nothing else that's required then
17 at that point, the application will be closed and the Board would
18 make the determination. We don't do anything from the bench. Some
19 boards may do that. It's just our -- it's the way that we conduct
20 business, but everything is televised, so when you're up at the front,
21 if you want to make sure you smile you, then you can, and so that-- you
22 can watch other hearings, you know, after.

23 After the hearings are done and we've heard all the cases, the
24 Board will generally deliberate on our reserved calendar, which means
25 things that we haven't made decisions on because we're waiting for
26 some other documentation that might come from the applicant or the

1 applicant has an attorney. The attorney may be providing us with
 2 that, or if the Board has gone to see the property again and we feel
 3 that we're ready then to make a decision. There is no second hearing.
 4 Virtually ever. So you don't have to come back again. You can watch
 5 on the town's website. The proceeding that is going on, you can watch
 6 after when we're deliberating so that you can hear what the Board
 7 says and what we ultimately then decide, and that gives you the
 8 ability to, you know, not come -- but you're welcome to come back.
 9 You can sit in the room. There is no additional testimony.
 10 Everything comes from the Board.

11 So with that said, I think hit all the importantly stuff. So
 12 with that said, I'll just ask that anyone who has their cell phone
 13 or the iPad or whatever it is, you don't have to shut them off; just
 14 silence them, and if there's anyone who's coming to join you, just
 15 ask them the same. Please just shut off your electronics.

16 SECRETARY WAGNER: Hold on one second.

17 CHAIRMAN MAMMINA: Also, Member Francis has a family issue that
 18 he needs to take care of this morning. He will be joined by us later.
 19 And I guess just the last thing that I'll say, and then we can -- we
 20 can see, you know, what issue there might be outside; is that if that
 21 anybody else is coming to join you. Just that there's no crosstalk,
 22 and there's no cross-talk in the room. If you need to make a
 23 telephone call, at any time, or you need to take a telephone call
 24 or you want to stretch your legs, you can just stand up. Don't have
 25 to ask for any permission or anything. Ladies and Gentlemen, you
 26 just walk across, you'll go out into the lobby area, and that's

1 perfectly all right.

2 Should we wait for Deborah?

3 SECRETARY WAGNER: No.

4 CHAIRMAN MAMMINA: Okay. So with that said, Secretary Wager,
5 are there any adjournments on the calendar today?

6 SECRETARY WAGNER: Yes, Chairman, we have an adjournment of
7 Appeal #21650, Mohammed Rahman; 1 Jara Court, New Hyde; Section X,
8 Block 334, Lot 33; zoned in the Residence-C.

9 Variances 70-50.C, 70-50.B, 70-51.B & 70-100.0A(2) to construct
10 additions to a home too close to the street, to construct a front
11 porch located too close to the street and too close to a side property
12 line; and to construct a fence in the front yard (not permitted).
13 That is adjourned until March 5th.

14 We also have an adjournment of Appeal #21573, Commonwealth
15 O'Leary Real Estate Corp, 1833 Gilford Avenue, New Hyde Park; Section
16 8, Lot 15; in the Industrial-B Zoning District.

17 Variance from 70-103.A(1) and 70-212.B to legalize an interior
18 mezzanine that requires site plan review with not enough parking on
19 site and construction of outdoor storage area that is too large and
20 too close to the front property line, and an appeal for determination
21 that site-plan review under 70-219.A(1)(a) is not required. That
22 is also adjourned to March 5th.

23 CHAIRMAN MAMMINA: If you're here for either Appeal #21650 or
24 21573, that will not be heard today; 573 is adjourned until March
25 5th, and 21650, we don't know yet.

26 Please, if we can turn it off, please, okay. Again, it's all

1 okay to keep them on but, you know, completely on silent. Thank you
2 so much.

3 With that said, please call the first case.
4

5 SECRETARY WAGNER: Appeal #21647, Julie and Michael Gross; 14
6 Woodland Place, Great Neck; Section 2, Block 354, Lot 59, in the
7 Residence A Zoning District.

8 Variances 70.29.B, 70-31 & 70-101.B to construct additions that
9 would make the house too big, would be located to close to the side
10 property line ago side yard, and would have total (aggregate) side
11 yards that are less than required and to construct a front porch
12 located too close to the street.

13 CHAIRMAN MAMMINA: You've heard Appeal #21647, Julie and
14 Michael Gross. Is there anyone in the room interested in the
15 application other than the applicant? Seeing no one, please give
16 you're name and address.

17 MR. FILIPAZZI: Good morning, Chairman, Members of the Board;
18 Andrew Filipazzi of Harris Bloom and Archer, 445 Broadhollow Road,
19 Melville, New York, on behalf of the applicants and owners, Julie
20 and Michael Gross. As Secretary Wagner mentioned, this is variances
21 regarding property located 14 Woodland Place in Great Neck; Section
22 2, Block 254, Lot 9 located in the Residence A Zoning District.
23 Applicant is proposing a rear addition, partial garage conversion,
24 roof and siding modifications, and a front portico to improve the
25 existing home.

26 The existing home was originally constructed in 1938, and the

1 present owners purchasing the home in 2019. Applicant is seeking
2 to perform these improvements to better accommodate the need of their
3 family. So pursuant to the notice of disapproval dated October 1,
4 2024, applicant is seeking the following variances; 70-29.B, for
5 floor area. 70-31 for side yard set back both individual set back
6 on either side, and aggregate side yard set back and front yard back
7 encroachment for the portico.

8 So before I get my presentation, I want to withdraw the
9 applicant's request for the front yard encroachment. The plans will
10 be redesigned to conform with the minimum front yard set back from
11 that encroachment, and so we're no looking asking for that variances.
12 Only for the variances regarding floor area and the side yard set
13 back.

14 MEMBER DONATELLI: Is that for roofed over porch?

15 MR. FILIPAZZI: Correct. The portico -- yes, the roofed over
16 porch/portico will be redesigned to be reduced and meet that minimum
17 set back.

18 CHAIRMAN MAMMINA: From the street.

19 MR. FILIPAZZI: Correct. I'll start out with the side yards.
20 The existing side yard set back today are 9.9-feet to the west side
21 property line and 9.2-feet to the east side property line. That is
22 the same as proposed. We're not seeking to decrease the set back
23 that are presently existing, but because of work that is being done
24 on the property, we are coming before this Board to legalize those
25 setbacks. The re-revision is following that set back line, and so
26 in a sense, exacerbates the nonconforming condition, but it is not

1 increasing -- not decreasing, rather, the set back that's provided.

2 The change on the east side of the property are architectural
3 changes to the facade and roof line. As you can see on the plans,
4 the roof line changes are to make this more equal, more visually
5 pleasing, and balance out the home from the street. Like I said,
6 not get getting any closer to the east side property line that is
7 presently existing.

8 On the west side of the property, the applicant is proposing
9 a two-story addition in the rear. This addition is following the
10 existing set back of 9.9-feet, so we're .1-feet short of the
11 individual side yard set back there. Given that this house was built
12 in 1938, dealing with 1938 surveying information compared to today's,
13 that point, is believed that it was intended to be a 10-foot set back,
14 whether a difference in the surveying ability or construction created
15 that .1 difference. Again, we're looking to continue that set back
16 through the rear addition, and .1 variance, I think, is the almost
17 definition or essence of a de minimus variance request.

18 As both of these set backs are existing and nonconforming,
19 existing nonconforming, we are nonconforming on the aggregate side
20 yard as well. So we're seeking for variances for both the individual
21 and the aggregate side yards for this home.

22 Moving onto the floor area ratio variance. Applicant is
23 seeking a variance of 293.2 square feet, which is 3.8 percent over
24 the permitted FAR of 36. This is due primarily to the addition in
25 the rather. The addition will include an expanded kitchen on the
26 first floor and a master bedroom and bathroom on the second floor.

1 These are modest improvements needed for the applicant and their
2 family to live comfortably. The addition has purposely been placed
3 in the rather to not increase the overall bulk or negatively impact
4 the streetscape along Woodland Place.

5 Applicant is also proposing a partial conversion, so there will
6 still be garage space. Part of that garage is going to be conditioned
7 to be habitable space, and again, contributes to the floor area
8 variance. But this, as it's existing, as part of the house, is not
9 going to increase the bulk or have any impact on the streetscape,
10 unless you're going inside the home, you're not gonna if there's
11 any -- if there was any change to begin with.

12 The proposed FAR that we're seeking here is within the character
13 of the neighborhood, as there are nearby homes with the same size
14 lot of about 7,500 square feet, with homes larger than what the
15 applicant is proposing. I do have some printouts that I'll hand up.

16 SECRETARY WAGNER: What is this again?

17 MR. FILIPAZZI: Those are printouts from Property Shark showing
18 property within the immediate area on similar size lots of
19 7,500 square feet, with homes that are larger than what is being
20 proposed here. So the first page is what is presently existing at
21 14 Woodland Place, and the other three homes that I have listed or
22 I have provided is 12 Woodland, which immediately to the east. That
23 is at 3,059 square feet. Two homes over to the west at 18 Woodland
24 Place, that home is 3,236 square feet, and then a little further to
25 the west at 22 Woodland Place, that home is 3,062 square feet. So
26 these are all homes in the immediate area of the applicant's home

1 that are, you know, same size lots -- similar size lot, similar or
2 larger then what is being proposed. This is provided as an example
3 that this is within the character of the neighborhood and that we're
4 not seeking to build a mc-mansion on the lot and go well beyond what
5 is currently existing in the community.

6 So just to give a little background on the why this is being
7 requested. The present home that the owners are living has only
8 three bedrooms, which is creating a problem as they have three young
9 children ages eight, four, and almost one. Applicant needs to add
10 the bedroom, expand the kitchen, so that at a point in the future
11 when the youngest is old enough that each of the children can have
12 their own bedroom. That there's enough room to have a family meal
13 in the kitchen. Again, applicants carefully designed with its
14 architect these improvements to be as minimal as necessary to allow
15 the applicant to live comfortably in their home, and not create any
16 negative impact on the neighbors or the community.

17 Speaking of neighbors, the applicant has spoken with all of the
18 neighbors that received notice to this. They obtained consent
19 letters from five of the six homes. The one that they didn't spoken
20 with. That neighbor had indicated that they had no objection to the
21 plan, but did not want to sign or return a consent letter, so I'll
22 hand that up. I unfortunately only have one copy of all of that.

23 SECRETARY WAGNER: This will be Exhibit 2.

24 MR. FILIPAZZI: And so to just briefly summarize, and going
25 along with the provisions of Town Law 267-B, there will not be any
26 negative change in the character of the neighborhood by granting

1 these requested variances. The variances for side yard set backs,
2 both individual and aggregate, are no different than presently
3 exists, and the aggregate variance for the addition in the rather
4 and garage conversion will not impact the streetscape and not
5 increase the overall bulk of the house.

6 The benefit sought by the applicant cannot be achieved by any
7 method other than an area variance. The original design or
8 construction has created some of these nonconforming conditions,
9 which require variances as part of what is being proposed. These
10 variances are in some senses are de minimus and overall not
11 substantial, either individually or in their total. There will be
12 no adverse impact created by granting these requested variances, and
13 again, as stated earlier, the existing home has a number of prior
14 nonconforming conditions, which contribute to the variances that are
15 being sought, so I would submit that what is being requested is not
16 self-create hardship.

17 If the Board has any questions for me, I'm happy to answer them.
18 Also here with me today is the applicant Michael Gross, if you have
19 any direct questions for him.

20 CHAIRMAN MAMMINA: I guess, the questions become some of the
21 testimony, and yeah, I would agree that .1 variance is certainly de
22 minimus. The other variances are fairly substantial in that, as I'm
23 sure you know, 'cause this is not the first time. You always do a
24 good job. We always appreciate that, but we look very, very
25 carefully' at floor area, and yeah, the overall bulk of the house
26 is gonna change. Obviously. So the question becomes, as I look at

1 the plan, you're looking essentially for an extra bedroom.

2 MR. FILIPAZZI: Correct.

3 CHAIRMAN MAMMINA: So the addition in the kitchen is very large
4 and the bedroom upstairs -- and look I always say, our goal is not
5 to make something difficult for somebody, but we also have to be
6 looking at what is the minimum of variance that can be granted to
7 achieve this. Looking at the kitchen, I'm not sure which one drives
8 it. If the kitchen size is driving it or if the bedroom size is
9 driving it, but the bedroom quite large.

10 MR. FILIPAZZI: It --

11 CHAIRMAN MAMMINA: The kitchen is quite large. So I mean -- you
12 got a counter there that seats five people. The kitchen spills over
13 into the rest of the house. There's a large circulation space
14 between the breakfast nook and where that -- whatever that, you know,
15 the back of the seating side of the island, you know, there's
16 a -- usually, you know, I'll say a typical, it's a very nice pantry.
17 It's very nice, but generally, things gets stored in their cabinets,
18 and, you know, it -- it's just very, very large. It doesn't look
19 like it is.

20 MR. FILIPAZZI: To give a little --

21 CHAIRMAN MAMMINA: In essence then, the bedroom as well, and --

22 MR. FILIPAZZI: To give a little context.

23 CHAIRMAN MAMMINA: Just a second. Just let me finish.

24 MR. FILIPAZZI: Oh, I'm sorry.

25 CHAIRMAN MAMMINA: That's okay. The bedroom, you know, itself
26 is very, very big, and you got your 272 -- yes; 2,727, I mean, half

1 of that goes to each one of those, which is about 1,350 feet. I'm
2 not saying that this as comparing it, but the two-story Levitt Houses
3 that were built all through Manhasset, Carle Place, those houses are
4 less square footage in 2,272 and they get three bedrooms. In those,
5 they're reasonable size bedroom. I'm not saying that the applicant
6 shouldn't have something, but, I mean, we got a walk-in closet that's
7 as big as a bedroom. A master bath the square footage of it is
8 certainly as big as a bathroom. I mean, you got the master bedroom.
9 So it does become a question of scale to that, and not as much things
10 that were built in 1938.

11 The Town Boards introduced zoning in -- excuse me FAR in, I
12 think, 1998, and they then tightened it up even more, you know, than
13 about three years later. So our charge has to be, as you know, why
14 can't we build something that's smaller.

15 MR. FILIPAZZI: So to that point and to add some context, this
16 is not the first plan that was drawn and submitted and, you know,
17 the wish list of the applicant. There were prior plans that had much
18 larger additions. That had a large greater FAR variance. I know
19 the last plans before this one was revised and submitted had an FAR
20 variance, I believe, over 400.

21 The applicant has taken steps to reduce this down. To get to
22 a point that it's still fits what they need, both for the kitchen
23 and the master bedroom with what they believe is a reasonable request,
24 not over asking, not asking for more than they need, or as this is
25 a two-story addition, both kind of feed into each other. That it's
26 not one necessarily driving the other but making the most of the space

1 that is there.

2 CHAIRMAN MAMMINA: The thing is -- 'cause I could flip that the
3 other way and say show me the plans that show that it doesn't work.

4 MR. FILIPAZZI: Right.

5 CHAIRMAN MAMMINA: As an architect, I can always make things
6 that are much bigger and a -- and you know that.

7 MR. FILIPAZZI: And that's why I didn't bring it initially.
8 We're before you today with this plan that, you know, everything that
9 we've done before today goes into this, but that doesn't change what
10 we're here before you, but, you know, since you raised the point of
11 can it be any smaller, and can it be reduced? You know, we've taken
12 those steps before we got to you today to try to get it to this point.
13 The, you know, based on what's been submitted, the existing home is
14 about 2,200 square feet, so we are below the FAR, and not just the
15 addition, the garage version contributes to that about 100 square
16 feet.

17 CHAIRMAN MAMMINA: Why can't -- you're converting the garage
18 to a space that's not usable now. Why can't that pantry move into
19 that back part of the garage for it's storage.

20 You know, it's easy enough for me to go through this plan and
21 say, you know, well, you can do this, you can do this, you can do
22 this, but that's not the -- well, it is Board's charge on some level,
23 not to design it, but to say, well, maybe, you can look at this, maybe
24 you can look at that, you know, in there; back in the olden days,
25 I don't say it anymore, I can take my red pen out, you know, I can
26 split this thing up, and I still give them everything they want. It

1 may not be as grand, but, you know, it's just, I mean, very, very
2 big. It's a very big the master bedroom. I mean, the walk-in
3 closet, I get it. We see things on TV, you know, stuff that my wife
4 watches, and, you know, and where they have the shoes stored like
5 that. I'm not saying that that's necessary the case here. I mean,
6 but that bathroom that runs down the side, you know, I'm -- it's
7 lovely. It's absolutely lovely, and I would say -- and then look,
8 and then I'll give it over to anyone else who wishes to speak and
9 cite a different opinion or whatever on that, but to me, it can
10 obviously be done smaller.

11 You recognize, I'm sure, that there is precedent, and again,
12 the Town Board creates the zoning. We don't create the zoning.
13 We're here to do that balance test, and the balancing test means
14 that -- it doesn't mean you're not entitled to something or that the
15 Board shouldn't consider something 'cause there's no entitlement
16 really. It's -- yeah, it's easy to design something bigger. I don't
17 want to repeat myself, but that's my opinion on that. I don't think
18 any other Board Members --

19 MEMBER HERNANDEZ: I'm not going to talk about the design or
20 anything else that's not relevant, but you have, as you said a house
21 today that's roughly 2,200 square feet. You can go to 2,700 plus
22 approximately square feet, but you're ask is 3,000. You threw a
23 three-point-something percent before. I don't know how you arrived
24 at that number, but if the house is supposed to be 2,700 square feet
25 and you're asking for 3,000 square feet. To me, that's like
26 10 percent over what the square footage is that you're permitted to

1 have.

2 Now, the plans don't show all the numbers. It's kind of hard
3 to judge, but from what I can calculate, that square box that's been
4 added in the back to extend the kitchen and the upstairs main bathroom
5 of the house, it's adding over 600 square feet to the house. So,
6 you know, that's a lot of square feet that you're adding to this house,
7 and you're taking away what I think is the parking garage completely
8 because you've eliminated more than a third of it for storage, which
9 means you can't put a car in there anymore I would imagine 'cause
10 you have steps coming down, so now you've eliminated the storage so
11 now the car has to be out on the driveway. It's not like people put
12 their cars in the garage anyway, but still, you know, if they could,
13 if it wasn't blocked. Now, you've created space. So you're adding
14 for a lot of space.

15 Now, to address the houses that you pointed out. I don't know.
16 I'm assuming those houses were built according to the file in the
17 same time period that are roughly 1938. Maybe they built them bigger
18 in those days. I don't -- there's no reference to the fact that
19 there's variances to make them bigger. They were just houses that
20 happen built bigger and some smaller. I don't know what the average
21 house size is in this whole neighborhood.

22 MR. FILIPAZZI: And those are only provided to show an example
23 that this isn't going to be a monster along the neighbors that --

24 MEMBER HERNANDEZ: Right.

25 MR. FILIPAZZI: One house next door is 300 square feet.

26 MEMBER HERNANDEZ: But again, it's 100 houses in that

1 neighborhood, and we have three or four or five that in the area that
2 are a little bit bigger on the same size lot.

3 MR. FILIPAZZI: I selected these because these are all on the
4 same street. One's adjacent. One's a couple of houses down. One's
5 a little bit further down the block. I wasn't picking houses from
6 other communities, and just as I --

7 MEMBER GOODSSELL: I am most interested in looking at the house,
8 not the house -- the acreage seems to be the same on all houses.

9 MEMBER HERNANDEZ: Yes.

10 MEMBER GOODSSELL: But one at 18 Woodland Place was built in
11 2002. Now, this is Residence A. I'd be interested in looking at
12 those plans to see if that needed a variance to be built or the zoning
13 has changed slightly since 2002 because that, to me, would be somewhat
14 persuasive.

15 Normally, I ask the same question that the Chairman is asking.
16 If you are adding something, why can't you add it within the
17 parameters what the town allows.

18 Now, I would be interested, as far as I can see, this property
19 is not irregularly shaped. The set backs bother me less than the
20 GFA, and so I'm with the Chairman on this. Why can't this not be
21 built to what the town allows? Is there -- I mean, I understand the
22 applicant would like what they would like. All applicants want that.
23 And if you're asking us to make a decision based upon what the
24 applicant is presenting, I have a fair idea of what I would decide,
25 but I would like to look at this comp of 18 Woodland Place that was
26 just built in 2002. The others seem to be built in 1938, so if you

1 go to present this as a comp, the same acreage but with square footage
2 closer to what you're asking for. I'd like to go back and look at
3 those plans.

4 MR. FILIPAZZI: Okay, that's understood. To the extent that
5 this is, you know, what's been requested in terms of the square
6 footage, I'll unfortunately repeat myself that the applicant and
7 their architect have gone through this a number of revisions to try
8 to get it down to the, you know, minimal that they can, and then make
9 usage of all of that space. While the master bedroom and the master
10 bath may seem oversized, that goes hand in hand with the fact of,
11 you know, they needed a kitchen of X size and so instead of having
12 unused space just trying to make the most of what's being presented.

13 CHAIRMAN MAMMINA: As I said, and for the benefit of the
14 applicant, you've done your job, and -- again, I just look at it and
15 I have to say to the architect show me why, and that's okay. That's
16 not a penalty. That's within the boundaries of the law what we're
17 supposed to do. We are semi-judicial here, so we're not, you know,
18 a judge in black robes, but we do have a have legal obligation within
19 interpreting the zoning, and I will say without it being in concrete,
20 it doesn't mean that there's nothing that's appropriate. It's
21 magnitude. That's what it comes down to.

22 MR. FILIPAZZI: And that is heard loud and clear.

23 CHAIRMAN MAMMINA: And I know you know that.

24 MR. FILIPAZZI: Yes. So the walk-in closet, that's existing
25 right now, but hearing the comments of the Board, I would ask that
26 we continue this hearing. We're gonna go back. We're gonna sharpen

1 our pencils. We'll see if there's some additional space that we can
2 shave off and come back with a submission that has a reduced FAR.

3 CHAIRMAN MAMMINA: Perfect.

4 MEMBER HERNANDEZ: I'd like to clarify one thing. You
5 mentioned the walk-in closet is existing. If I'm reading your plans
6 correctly, not yours, the architect's plans correctly, there are two
7 walk-in closets attached that bedroom. One on the lower side of the
8 plan and a much larger one on the other side. So just to be clear,
9 I'm assuming that you're referring to the lower one that's in the
10 center of the house, but there is a very large walk-in closet in the
11 extension.

12 MR. FILIPAZZI: You're correct.

13 MEMBER HERNANDEZ: Just clarification.

14 MR. FILIPAZZI: So yes, we'll -- I'd ask to continue this.
15 We'll sharpen our pencils, and if we can find any sort of variance
16 decision with respect to, I believe, that was 18 Woodland, we'll
17 submit that as well.

18 SECRETARY WAGNER: When you say continue, you mean, just
19 submitting --

20 MR. FILIPAZZI: Yes.

21 SECRETARY WAGNER: Not coming back before the Board.

22 MR. FILIPAZZI: No, I don't believe a secondary is necessary.
23 We'll submit our revised plan, whatever additional material we have
24 for the Board's consideration.

25 CHAIRMAN MAMMINA: Very good.

26 MEMBER DONATELLI: Before we move on to the next case, I just

1 want to put something on the record. Residence-A, currently
2 requires lots of 8,500 square feet or more, and then the current lot,
3 the applicant's lot is 7,545 square feet, so as of now, the lot is
4 undersized. I don't know what it was when it was initially built,
5 but as of now, it is undersized, so anything that you can do to sharpen
6 your pencils to see if you can have less than a ten percent ask, I
7 think would be in your best interest.

8 MR. FILIPAZZI: Okay, very good.

9 MEMBER HERNANDEZ: And I ask that you keep in mind that right
10 now between the existing size of the house to the permitted size of
11 the house, you have roughly 500 square feet to add to the house
12 without need for a variance at all. So you're only talking about
13 things in excess of 500 square feet.

14 MR. FILIPAZZI: Correct.

15 MEMBER DONATELLI: So, yeah, I just want to add that as the
16 Chairman initially said, we look at gross floor area very carefully,
17 and we can't really -- we don't second guess the applicant's request.
18 We're not saying that if you reduce it by two percent or by ten percent
19 or by 50 percent, we're really not opining as to whether we would
20 grant or deny it when you do sharpen your pencils; when you have to
21 take another eye towards it. But I will say that in my experiences
22 ten percent ask is a very large ask, and so, you know, we do look
23 at these things. We do engage in the weighing of the Five Factors,
24 and I'm not the architect, but from what I can tell you what I see
25 is a great deal of space here that can be utilized, and so, I would
26 ask you to do your best to cut get it down.

1 MR. FILIPAZZI: We will -- your comments are understood and
2 heard loud and clear.

3 MEMBER DONATELLI: Thank you.

4 CHAIRMAN MAMMINA: And we appreciate that.

5 MR. FILIPAZZI: Thank you.

6 CHAIRMAN MAMMINA: Thank you.

7 MR. GROSS: Thank you.

8

9 SECRETARY WAGNER: Next appeal, Appeal #21649, Michael Weiss;
10 58 Hewlett Lane, Flower Hill; Section 6, Block 58, Lot 114A, in the
11 Residence-AAA Zoning District.

12 Variance from 70-102.C(5) (a) to install pool equipment too
13 close to the rear property line.

14 CHAIRMAN MAMMINA: You heard Appeal #21649, Michael Weiss. Is
15 there anyone in the room interested in the application other than
16 the applicant? Seeing no one, please give your name and address.

17 MR. MARTINS: Good morning, Board. My name is David Martins.
18 I'm with Keen Design. I'm one of the architects on the project, and
19 I'm appearing on behalf of Mr. And Mrs. Weiss located on Flower Hill,
20 48 Hewlett Lane.

21 Our property is very unique where it actually has two government
22 jurisdictions, where the house is actually located in Flower Hills
23 jurisdiction and the pool and sports court are located in North
24 Hempstead jurisdiction.

25 We're here seeking a variance for the pool equipment, which is
26 located in the rear behind the pool along the rear yard line. It

1 meets set back along the neighboring side on the side yard, but it's
2 ten feet from the rear. Where the rear yard is currently, a larger
3 forest area with a 40-foot drop back to an industrial park below.
4 So the pool equipment would sit about 40-feet above the property line
5 below it.

6 We explored other locations for this pool equipment, but the
7 client is pretty adamant on having a very environmentally sustainable
8 house, so we actually have a large portion of the rear yard is a
9 geothermal well along it. As you can see sort of these little loops
10 back here. This location is the geothermal field, and between that,
11 the pool, and the sports court, there really isn't much place to put
12 this pool equipment. In a perfect world, we would have liked to locate
13 it in a mechanical area. We have the rest of the house that actually
14 pushes the pool equipment in Flower Hills jurisdiction, so that
15 create a little bit of a headache. We wouldn't even know where to
16 go about that. So we're here in front of the Board asking for relief
17 with that variance.

18 MEMBER GOODSSELL: Correct me if I'm wrong. The pool is not
19 installed yet; is that correct?

20 MR. MARTINS: It's not, no. We have already proposed this to
21 the town, and after speaking with inspectors, they already approved
22 the pool location. The requested no variance for the pool. It
23 meets. It's tricky because we didn't understand what would be a
24 front yard versus not a front yard because it's in the back of the
25 house, but according to them, it meets all set backs. So this is
26 just for the pool equipment.

1 MEMBER GOODSSELL: It is going to be a spectacular pool. It's
2 under construction now.

3 MR. MARTINS: It is.

4 MEMBER GOODSSELL: I did go and look at the property. It's under
5 construction, and it -- to the -- behind the house and behind the
6 pool, the section in Town of Hempstead. There is a cliff there; is
7 there not?

8 MR. MARTINS: Yes, exactly.

9 MEMBER GOODSSELL: And at the bottom of the cliff is the Harbor
10 Park industrial area.

11 MR. MARTINS: Exactly, yes, and it's about a 40-foot change in
12 grade between our client's property and the lower portion of that
13 cliff. So it's very -- as well as it being a heavily wooded between
14 the two as well.

15 MEMBER GOODSSELL: I did notice that construction is going
16 around certain trees, which were marked.

17 MR. MARTINS: Exactly, yeah. That's another thing as well.
18 We have a beautiful sycamore actually in the center of the back of
19 the house, which we're trying to keep and protect during
20 construction, which you've been there, you've see how crazy --

21 MEMBER GOODSSELL: I'm sure the owners thought I was crazy. I
22 backed up so that I can actually see because there was a -- something
23 in the materials that said that the applicant would like to leave
24 the existing trees. Now, I happen to like trees, and I regret when
25 they have to take down an old and historic ones, but yes, I did notice
26 that there are several trees on the property, which easily could have

1 been taken out so that the construction vehicles could get in, but
2 which your clients chose to preserve.

3 MR. MARTINS: Absolutely, yeah, and of course, it's in the Town
4 of the Village of Flower Hill, which we all know Flower Hill, they
5 pry themselves on keeping as many trees as possible. My client chose
6 that location for that reason, and so he really is adamant about
7 keeping as many trees. As well as we actually -- any trees that were
8 located in areas that were disrupted by construction, they actually
9 protected them, wrapped them in balls, and actually moved them to
10 get replanted, whether it be in the same spot or a little bit further
11 out because we did get some pretty crazy over cut with the basement.

12 MEMBER DONATELLI: I don't know if any of the other Board
13 Members have any other questions. I'm very familiar with the area.
14 It does back up to the industrial area. It is unique in the sense
15 that it is covered -- that one lot is covered by the two jurisdictions,
16 and I really do think that the design is such that it would lend itself
17 to grant this application. So if the other Board Members don't have
18 any objections, I make a motion that we grant the application.

19 CHAIRMAN MAMMINA: Motion by Member Donatelli. Do we have a
20 second?

21 MEMBER HERNANDEZ: I'll make the second. Clearly, because
22 there's nothing behind that could be impacted, but would turn me away
23 from the granting this is if you had neighbor behind you that they
24 would be hearing the noise and everything else of the equipment.

25 MR. MARTINS: Absolutely, yeah.

26 MEMBER HERNANDEZ: But the fact that nobody's back there for

1 a very, very, very long distance, and who is there, is not going to
2 hear because it's a warehouse building essentially. I second the
3 motion.

4 CHAIRMAN MAMMINA: We have a second by Member Hernandez.
5 Please poll the Board.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSELL: Aye.

8 SECRETARY WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Member Donatelli?

11 MEMBER DONATELLI: Aye.

12 SECRETARY WAGNER: Chairman Mammina?

13 CHAIRMAN MAMMINA: Aye. The application is granted.
14 Completely off the record.

15 (WHEREUPON, a discussion was held off the record.)

16 CHAIRMAN MAMMINA: Next case, please.

17

18 SECRETARY WAGNER: Appeal #21651, Eric Chang; 10 Maple Court,
19 New Hyde Park; Section 8, Block 338, Lot 9; in the Residence-C Zoning
20 District.

21 Variance from 70-50.B and 70-52 to legalize additions to a home
22 with a raised terrace that is located too close to the street, and
23 an attached garage is located too close to the rear property line.

24 CHAIRMAN MAMMINA: You've heard Appeal #21651, Eric Chang. Is
25 there anyone in the room interested in the application other than
26 the applicant? Are the applicant or you wish to -- if you're the

1 applicant then --

2 MR. CHRISTMAN: No, I was the prior owner.

3 CHAIRMAN MAMMINA: Okay, so yes, seeing, one gentleman.

4 SECRETARY WAGNER: And there's another person.

5 CHAIRMAN MAMMINA: There we go. Okay, so seeing two people.

6 MR. SUTTER: Good morning, Mr. Chairman, Board Members.

7 SECRETARY WAGNER: Just speak up and raise the microphone.

8 MR. SUTTER: I'm a little under the weather.

9 CHAIRMAN MAMMINA: Nice and slow. Don't be concerned.

10 MR. SUTTER: I am Phil Sutter, S-U-T-T-E-R, architect; 3300-34
11 Park Avenue, Wantagh, New York 11793. And I am representing Eric
12 Chang, the present owner, who's sitting right here, and behind Eric
13 is Mr. and Mrs. Christman, and Mr. Christman actually grew up in this
14 house. So we have present owner and prior owner.

15 And the reason that we are here is that when Mr. Chang bought
16 the house from Mr. Christman, it came about that there is a finished
17 basement, so we filed certain plans to maintain an existing finished
18 basement. At that point in time, it two issues that came up. One
19 that the town is called a raised terrace, and the other is that the
20 garage is too close to what is the rear property line.

21 So we're all aware the face that this property obviously is in
22 New Hyde Park. West of New Hyde Park Road. North of Sperry
23 Boulevard. It's at the intersection of Maple and Yale. So that's
24 section of New Hyde Park, the roads are not at 90 degree angles. They
25 all come Neandertal, so one kind of blends into the other. The side
26 that Mr. Chang is on is on the north side of Maple. There is four

1 houses on that side. Two corner lots. Two interior lots. Even
2 though you predominant see Yale Boulevard, the address is 10 Maple.

3 I don't know if you can see the pictures or if you have the
4 picture before you.

5 MEMBER HERNANDEZ: We have them.

6 MR. SUTTER: You have them?

7 MEMBER DONATELLI: Yes.

8 MR. SUTTER: Okay. So, if you look at what's called the Yale
9 Boulevard Terrace, that's one of the issues because that's sitting
10 in a front yard, and that raised terrace it actually goes up three
11 steps, but the walkway kind of slopes up. So that terrace is raised
12 just slightly more than 2-feet. I'll say 2-feet-4 roughly above
13 grade. When Mr. Christman and his family moved into this house, they
14 moved in in 1965, so that's 60 years ago. That terrace and that
15 garage were already constructed so that was prior to the Christmans
16 moving in in 1965, '66.

17 What's interesting is that because this is a corner lot, you
18 see not an interior lot, this really has very little impact visually
19 on the neighborhood, so I don't believe that because it's been there
20 for 60 years, this has become the neighborhood. This what people
21 are custom to seeing.

22 As for the garage, both are minimally off. The garage actually
23 appears like it's a side yard, even though it's technically a rear
24 yard. So when someone's looking at that, it looks like an oversized
25 rear yard, so now, you have one-story garage and one-story breezeway
26 connecting that, and that's next to Yale Boulevard, number 39 Yale,

1 which is the yellow house. So when you're visually on the street,
2 it does appear like there's quite a distance between the main house
3 and the neighbor.

4 Generally, I have a lot to say on these projects. I have very
5 little information to say on these since they were preexisting. I
6 don't believe they cause any impact to the neighborhood. Once again,
7 for 60 years have moved in. People have moved out. People have been
8 born. People have died, but one thing that is consistent is Maple
9 has never changed, so over time, this is what people are accustom
10 to seeing.

11 I know that Eric has spoken to some of his neighbors.
12 Obviously, no neighbors object to this. I don't really have anything
13 else to say.

14 CHAIRMAN MAMMINA: Okay.

15 MEMBER GOODSELL: Do you know when the -- I'll call it a
16 breezeway. The little room that connects the house with the garage.
17 Do we know when that was constructed?

18 MR. SUTTER: No, so originally, I think, when I went through
19 the records, I think, it was called a patio, and then it was called
20 a porch, but Mr. Christman says that when they moved in, it was
21 already a maid's room. Since, it wasn't properly insulated because
22 the housekeeper complained, so his dad added insulation and put
23 aluminum siding on the house, but that was done prior to '65. We
24 don't know when it was converted.

25 MEMBER GOODSELL: Because I also -- I'm familiar with this
26 section of the neighborhood. I spent 42, 43 years in New Hyde Park.

1 I drove around for at least ten houses in each direction. This is
2 the only house that has a breezeway. All the other houses have one
3 and a couple cases, two car garages that are detached. The norm in
4 that neighborhood is a detached garage, and the houses that have a
5 garage that is attached are around the corner, and they are completely
6 different style houses. The house is built over the garage, so in
7 that sense, this house doesn't really look like the rest of the houses
8 in the neighborhood. I'm less concerned about the raised terrace.
9 Many, many houses in that area have a raised terrace. We have raised
10 terraces in front of us before. What troubles me is the breezeway
11 now creates additional with the garage. The breezeway not there,
12 the garage would be compliant. Is the client aware of that?

13 MR. SUTTER: No, but I'm aware of that.

14 MEMBER GOODSSELL: What is in the breezeway now? What is it
15 being used for?

16 MR. SUTTER: It was a maid's room.

17 MEMBER GOODSSELL: I know what it was. What is it being used
18 for now?

19 MR. SUTTER: I believe it's being used as a bedroom.

20 MEMBER GOODSSELL: As a bedroom.

21 MR. SUTTER: Yeah.

22 MEMBER GOODSSELL: Is there any connection between the back of
23 the bedroom and the garage?

24 MR. SUTTER: No.

25 MEMBER HERNANDEZ: So then it's not a breezeway. It's just
26 basically space that's filled in.

1 MEMBER GOODSSELL: If the space has been filed in --

2 MEMBER HERNANDEZ: Yeah, it's not a breezeway. It doesn't
3 connect to the other side.

4 MEMBER GOODSSELL: Interestingly enough, the tax card says that
5 is there a garage on this property? Yes to attached garage. No to
6 detached garage. So, like I said, I drove around, and many of these
7 houses were all built with the same one-car garage. You can see the
8 houses that have added it to a two-car garage. There wasn't another
9 one that was connected, but according to the testimony, it's not
10 technically connected. There's no access between the room and the
11 garage.

12 MR. SUTTER: Correct.

13 MEMBER DONATELLI: It cause some confusion in my mind because
14 on your plans it's listed as a sitting room. It doesn't look like
15 it would lend itself to be a sitting room.

16 MR. SUTTER: Right. Actually, it was changed. The inspector
17 asked me what it was used for. I told him a bedroom. He said change
18 it on the plans, so I don't know if it was changed properly.

19 MEMBER DONATELLI: On the plans we have, it still shows sitting
20 room.

21 MEMBER HERNANDEZ: Sitting area.

22 MEMBER DONATELLI: Yeah.

23 MEMBER GOODSSELL: I don't have any objection to the
24 application. I just wanted noted for the record that it does
25 not -- it is not the prevalent condition of these houses in the
26 neighborhood, but according to the tax card, the applicant is

1 correct. It is shown as either an open porch or a terrace. I just
2 did the tax card. It has been there quite some time. Were it not
3 there, you would not be in front of us for the garage.

4 MR. SUTTER: Correct.

5 MEMBER GOODSSELL: So I find it in a bit of an anomaly in the
6 law that because there is this relatively minor breezeway, now the
7 garage is out of compliance, so as one Board Member, I do not have
8 objection to this application.

9 MEMBER DONATELLI: I would just note for the record, I guess,
10 on your page or perhaps the survey, precision survey's dated April 3,
11 2019. As I looked at the set backs for the southern property as well
12 as for the surrounding properties, both on Yale Boulevard, as well
13 as on Maple Court, it does appear that the set backs of the house,
14 notwithstanding the breezeway or the sitting area, it does appear
15 that the house really does match the set backs on Maple as well as
16 on Yale Boulevard to within a high degree, so even know there is this
17 connection between the house and the garage, which is causing this
18 issue to arise, the envelope of the building really is in keeping
19 with the set back on both streets.

20 CHAIRMAN MAMMINA: So do we consider that a second?

21 MEMBER DONATELLI: Well, if she makes a motion, I'll second.

22 MEMBER GOODSSELL: I will formally make a motion.

23 MEMBER HERNANDEZ: There were some people who want -- you don't
24 need to speak if you're looking to have it approved, but if you want
25 to say anything, you're welcome to.

26 MR. SUTTER: That's Mr. Christmas. He's the gentleman who grew

1 up on the house.

2 MEMBER GOODSSELL: I did look to see how long the applicant has
3 owned the property. It's very new to this, and I did notice that
4 the Christman family has owned this for quite some time because when
5 we go in the public records, and I did look at the tax card --

6 SECRETARY WAGNER: Wait, I think people want to speak.

7 MEMBER GOODSSELL: Do you want to speak?

8 MEMBER HERNANDEZ: Unless it's against it, he doesn't need to.

9 MR. SUTTER: You want to speak.

10 MR. CHRISTMAN: No.

11 MEMBER HERNANDEZ: You don't need to.

12 CHAIRMAN MAMMINA: That's okay.

13 SECRETARY WAGNER: We're not gonna force you.

14 MEMBER GOODSSELL: So I will make a motion that we grant the
15 application.

16 MEMBER DONATELLI: And I will second.

17 CHAIRMAN MAMMINA: We have a motion by Member Goodsell. Second
18 by Member Donatelli. Please poll the Board.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Goodsell?

22 MEMBER GOODSSELL: Aye.

23 SECRETARY WAGNER: Member Donatelli?

24 MEMBER DONATELLI: Aye.

25 SECRETARY WAGNER: Chairman Mammina?

26 CHAIRMAN MAMMINA: Aye. Application is granted. Thank you.

1 MR. SUTTER: Thank you. I just want to say something, so
2 obviously it's not my first time. I do all the variance hearings.
3 I do all the boards. All the villages. I'm very impressed that you
4 have done your homework. Thank you.

5 MEMBER GOODSSELL: We are.

6 MR. SUTTER: This is the first time I've ever appeared before
7 a Board that have their act together.

8 MEMBER GOODSSELL: Thank you.

9 MR. SUTTER: Don't put that on the record.

10 CHAIRMAN MAMMINA: Thank you.

11 MR. SUTTER: By the way, he's awesome.

12 MR. PERROTTA: That can be on the record.

13 CHAIRMAN MAMMINA: Please call the next case.

14

15 SECRETARY WAGNER: Appeal #21652, Afrina Zaman; 70 Chaffee
16 Avenue, Albertson; Section 9, Block 62, Lot 1553; in the Residence-C
17 Zoning District.

18 Variances from 70-99.B, 70-99.C, 70-99.D & 70-99.G of the 1974
19 Town Code to legalize additions built prior to 1938 that are too close
20 to a residence building next door, and too close to the rear property
21 line, primary front property line, and secondary front property line.

22 CHAIRMAN MAMMINA: You heard Appeal #21652, Afrina Zaman. Is
23 there anyone --

24 MR. ZAMAN: I can speak. Good morning.

25 CHAIRMAN MAMMINA: Let me just finish calling the case for the
26 record. Is there anyone in the room interested in the application

1 other than the applicant? Seeing no one, come on up, and give your
2 name and address, and two people can give their names and address,
3 who they are.

4 SECRETARY WAGNER: Whoever is gonna be speaking.

5 CHAIRMAN MAMMINA: Right. Whoever is gonna be speaking.

6 MR. ZAMAN: I can speak. She's my wife, and we are both owners
7 of the house.

8 CHAIRMAN MAMMINA: If your wife would like to speak after you're
9 done, then she may. So I'm saying, if you're gonna be the primary
10 person making the presentation, you know, then you can come up now.

11 MR. ZAMAN: Okay, sure.

12 CHAIRMAN MAMMINA: I always like to joke that my wife does all
13 the talking in my family.

14 MR. ZAMAN: Oh, okay. I think she'll take note next time. So
15 good morning, everyone, especially the honorable Chairman and Board
16 Members. So you have seen I'm here. Recently we bought this house
17 2012 to live in there, basically, and as you see, this house is built
18 19326 before 1938. When we wanted to sell the house, the buyer told
19 us that, you know, this is commercial building, you know, you have
20 to be compliant, so that's why I'm here to legalize the residence.
21 We have no idea. It's a residential neighborhood and we want to live
22 here. When we went to sell house, then all these things came up,
23 so we thought let's take care of it. I went to a consulting firm
24 to help us out. That's why I am here.

25 And I have one more question. I think that weight is crazy.
26 Regarding the garage, I have the picture. Although it says it is

1 right on the front property line, and it's way, way, far away from
2 the back, the rear property line. And second, my take is not too
3 close to the neighbor's house. It's way, way out. Yeah, that is
4 north side of my neighbor is way afar away. It's not even close.
5 So that's, I think, that's my take. For whatever reason I try to
6 slight variation. That's all it is.

7 MEMBER GOODSSELL: Sir, you've owned the property since 2012?

8 MR. ZAMAN: Yes.

9 MEMBER GOODSSELL: How many family house is this? Is it a
10 one-family or a two-family?

11 MR. ZAMAN: One-family.

12 MEMBER GOODSSELL: What's it being used for? Is it being used
13 for as a one-family or a two-family?

14 MR. ZAMAN: One-family.

15 MEMBER GOODSSELL: One-family.

16 MR. ZAMAN: Yeah, we have four members; husband, wife, and two
17 kids.

18 MEMBER GOODSSELL: And you all live there; is that correct?

19 MR. ZAMAN: Yeah, both of us.

20 MEMBER GOODSSELL: And just for the record. This house is on
21 a corner.

22 MR. ZAMAN: Yes. It's the intersection between Chaffee and
23 Crosby. It's a corner property.

24 MEMBER GOODSSELL: Well, I have to say, I did drive past it to
25 take a look at. The numbers on Chaffee Avenue seem to be a little
26 out of whack because what should have been in between number 68 and

1 number 72.

2 MR. ZAMAN: Yeah.

3 MEMBER GOODSSELL: But you are not, so the post office has some
4 explaining to do, I think. How is that you came in front of us? Were
5 you issued a violation? How did it happened that you came in front
6 of us?

7 MR. ZAMAN: I told when I went to sell the property, the buyer,
8 they raised objection that no, I think we need to comply with
9 the -- some of the rules, and this is CO.

10 MEMBER DONATELLI: Are you currently in contract?

11 MR. ZAMAN: No, I'm living here. Oh, no, that gentleman, gone,
12 so we lost him.

13 MEMBER DONATELLI: You do not have a contract pending?

14 MR. ZAMAN: Nothing, so we thought let's take care of these
15 things, so we don't have to face the same similar problem with the
16 next guy. Unless, we're under demolition by new one, that's a
17 different story.

18 MEMBER GOODSSELL: We do understand, and we've have had other
19 houses in front of us that are very old. That are not built with
20 the same set backs, the same floor area, with the same anything. Do
21 you remember what paperwork were you given when you bought the house?
22 Were you given a copy of the certificate of occupancy?

23 MR. ZAMAN: Okay, they said that since built way before 1938,
24 no CO, first of all, and yeah, I just, I think, it's foreclosure
25 property, sort of like that. This just property, so the basically,
26 not much to offer.

1 MEMBER GOODSSELL: In the building files, did you notice whether
2 there were any certificates other than a certificate of occupancy?
3 A certificate of completion or a permit for an addition? Is there
4 any paperwork in there?

5 MR. ZAMAN: No. I mean, that's why my lawyer. They didn't
6 give anything or said everything is fine. I said fine.

7 MEMBER GOODSSELL: I'm just looking at your property tax card,
8 and it seems to match. Mr. Chairman, it seems to match the current
9 property. The old property tax cards matches the current property
10 that's there. I don't see any additions to it.

11 MR. ZAMAN: And I do have some pictures of similar houses just
12 one block. They're right on the property.

13 MEMBER GOODSSELL: Your house is so unique. This property is
14 the first and only house in the neighborhood --

15 MR. ZAMAN: Yeah, if you go one block.

16 MEMBER GOODSSELL: -- before all the other houses were built.

17 MR. ZAMAN: Yeah, one block and then one block east, right two
18 houses exactly same everything, not different shape, but right on
19 the borderline of that, you know, street. It's McKinley and Grant.
20 Just one on that block.

21 MEMBER GOODSSELL: Normally, municipalities do require a 3-foot
22 set back. A minimum of a foot set back, but there is nothing to be
23 done about the garage. It's clearly an old garage, and it clearly
24 is less than a foot from the property line, but again, Mr. Chairman,
25 I don't know what could be done?

26 CHAIRMAN MAMMINA: My own feeling is that the fact that the two,

1 you know, are there right in line with each other makes it fit the
2 character of itself. Is what it comes down to.

3 MEMBER DONATELLI: It's a new standard.

4 CHAIRMAN MAMMINA: Right, it's a new standard.

5 MEMBER GOODSELL: This house was built -- we're smiling because
6 we're so strict on the codes for certain things. If you listened
7 to what everybody else presented this morning, but when you have a
8 house this old, there were no guidelines.

9 MR. ZAMAN: No.

10 MEMBER GOODSELL: You didn't have certificate of occupancy --

11 MR. ZAMAN: Yeah, I think, yeah. The gentleman told us it's
12 time travel, yes, indeed.

13 MEMBER DONATELLI: That why we're scratching our heads a little
14 bit because --

15 MR. ZAMAN: Please go ahead.

16 MEMBER DONATELLI: This really is something onto itself.

17 MR. ZAMAN: And you know, we're been paying taxes and
18 everything. No complaints. No complaints from the neighbor.
19 We're happy.

20 MEMBER GOODSELL: No, they would have nothing to complain about
21 because this house predated their own houses, and so when the
22 neighborhood was divided up, it was entirely possible that nobody
23 gave consideration that your garage needed a 3-foot set back. It's
24 just this is where the property line is. From what I can see the
25 garage --

26 MR. ZAMAN: 1926.

1 MEMBER GOODSSELL: The house was built -- yes, they can only
2 estimate the age in --

3 MR. ZAMAN: Ninety-eight years.

4 MEMBER GOODSSELL: Which is about what we're estimating 12 years
5 old.

6 MEMBER DONATELLI: Let me - the area is in Albertson. I would
7 note again, as we've been saying. The house was built prior to 1938.
8 That it is something that predates the Town of North Hempstead code.
9 I think it's admirable that the applicant is actually come before
10 this Board to legalize the structure prior to being in contract
11 because that is the proper way to do it.

12 MR. ZAMAN: I appreciate that. Thank you.

13 MEMBER DONATELLI: Having said that, the house predates the
14 code. It appears the garage predates the code, and to that
15 Mr. Chairman, I do find this is unique, and I make a motion that we
16 grant the application.

17 CHAIRMAN MAMMINA: We have a motion from Member Donatelli.

18 MEMBER GOODSSELL: And I will second that.

19 CHAIRMAN MAMMINA: And we have a second from Member Goodsell.
20 Please poll the Board.

21 SECRETARY WAGNER: Member Hernandez?

22 MEMBER HERNANDEZ: Aye.

23 SECRETARY WAGNER: Member Goodsell?

24 MEMBER GOODSSELL: Aye.

25 SECRETARY WAGNER: Member Donatelli?

26 MEMBER DONATELLI: Aye.

1 SECRETARY WAGNER: Chairman Mammìna?

2 CHAIRMAN MAMMINA: Aye. Application is granted. Thank you.

3 MR. ZAMAN: Thank you. I really appreciate for listening.

4 * * * *

5 SECRETARY WAGNER: Make a motion to adopt SEQRA.

6 MEMBER DONATELLI: I make a motion to adopt SEQRA.

7 MEMBER GOODSSELL: Second.

8 SECRETARY WAGNER: All in favor?

9 BOARD MEMBERS: Aye.

10 SECRETARY WAGNER: SEQRA is adopted.

11 * * * *

12 SECRETARY WAGNER: Appeal #21290 was granted in January 11,
13 2023. Variances under 70-103.A, 70-103.F, 70-103.M, 70-191,
14 70-192.B, to construct a two-story addition to an existing commercial
15 building with not enough parking, not enough loading and unloading
16 areas, parking within a front yard, covering too much of the lot,
17 and located too close to the rear yard property line. So they don't
18 need all of those variance any longer because they're not planning
19 on constructing now the addition any longer. Now, they just need
20 a variances for -- they still need a parking variance.

21 MEMBER HERNANDEZ: But we granted parking variance.

22 SECRETARY WAGNER: We granted the parking variance.

23 MEMBER HERNANDEZ: So we don't need to do it.

24 SECRETARY WAGNER: Well, we do -- I mean, I don't know
25 why -- well, I mean, I think that's -- because the plan is amended,
26 the Building Department is saying we need the Board to --

1 MEMBER HERNANDEZ: Do it all over again.

2 SECRETARY WAGNER: Not do it all over again, but acknowledge --

3 CHAIRMAN MAMMINA: All into law.

4 SECRETARY WAGNER: Because this is just a reduced size, we
5 just -- technically, what you're doing is approving the revised plans
6 as part of the other decision. So Deborah, do you think they need
7 to reopen the record?

8 DEPUTY TOWN ATTORNEY ALGIOS: I mean --

9 SECRETARY WAGNER: Or just amend it?

10 MEMBER GOODSSELL: I don't see why we wouldn't approve them now.
11 Specifically, because they reduced the number of variances that they
12 need that we did consider and grant the parking variance prior.

13 (WHEREUPON, there was a discussion amongst Board Members.)

14 MEMBER GOODSSELL: Is there any reason why we would not approve
15 this reduced-scale projects?

16 MEMBER HERNANDEZ: Is this plan that we have here the original
17 plan because it shows the shaded area.

18 SECRETARY WAGNER: The one with the addition is the original
19 plan. The one that says disapproved plan is the current plan. Is
20 the one that they're trying to get approved.

21 MEMBER HERNANDEZ: Okay, so they have multiple gray areas.
22 There's gray areas that's wrapped around the building.

23 SECRETARY WAGNER: But that's on the old plan.

24 MEMBER HERNANDEZ: But it's also on the disapproved plan.

25 SECRETARY WAGNER: No.

26 MEMBER HERNANDEZ: I have the disapproved plan of 6/27/22.

1 SECRETARY WAGNER: No, that's not the right.

2 MEMBER HERNANDEZ: Okay.

3 SECRETARY WAGNER: I must have uploaded the wrong one, sorry.

4 MEMBER HERNANDEZ: That one also had a mezzanine in it.

5 SECRETARY WAGNER: That's not -- this is --

6 MEMBER HERNANDEZ: We approved the mezzanine.

7 SECRETARY WAGNER: Right, but this one is -- this is what the
8 disapproved plan looks like now. It's just easier for me to just
9 come to you.

10 MEMBER GOODSSELL: No, I have it in front of me. It doesn't show
11 the mezzanine.

12 SECRETARY WAGNER: This is a current.

13 MEMBER GOODSSELL: It's very slow to load, Virginia.

14 SECRETARY WAGNER: Oh, wait. Are you looking at the date on
15 the plan or --

16 MEMBER HERNANDEZ: On the date of the disapproval. This one.

17 SECRETARY WAGNER: Yeah, that's the one that the Board
18 approved. That's all that we're told, and then there should be a
19 set -- this set should be in there.

20 MEMBER HERNANDEZ: This?

21 SECRETARY WAGNER: Oh, no, no.

22 MEMBER HERNANDEZ: Okay, but there is the mezzanine. Storage
23 mezzanine.

24 SECRETARY WAGNER: It's a different mezzanine.

25 MEMBER HERNANDEZ: How you supposed to know where it is?

26 SECRETARY WAGNER: No, no, no, it's a different mezzanine.

1 MEMBER HERNANDEZ: It's freestanding. Look at it. All by
2 itself.

3 SECRETARY WAGNER: No, I know. So this one also has a
4 mezzanine, but its in a different spot.

5 MEMBER HERNANDEZ: I don't know what that one is.

6 SECRETARY WAGNER: I think it's an existing.

7 MEMBER HERNANDEZ: That one doesn't show.

8 SECRETARY WAGNER: That wasn't, I think the --

9 MEMBER HERNANDEZ: This is eight minutes ago. Disapproved
10 plans.

11 SECRETARY WAGNER: Open that one. Yes, that's the one.
12 That's what they're trying do now.

13 MEMBER HERNANDEZ: Where does that mezzanine go?

14 SECRETARY WAGNER: And that little box is somewhere, I think,
15 on the first floor.

16 MEMBER HERNANDEZ: Is it here?

17 SECRETARY WAGNER: I think that yes. There it is in the back.

18 MEMBER GOODSSELL: It's just a gray-shaded area.

19 MEMBER HERNANDEZ: Floating.

20 MEMBER GOODSSELL: Well, it is kind of flooding mezzanine.

21 SECRETARY WAGNER: No, it's not a floating --

22 MEMBER HERNANDEZ: It's floating in the map. I have no idea
23 where it goes in the plan.

24 CHAIRMAN MAMMINA: Oh, okay.

25 MEMBER HERNANDEZ: You have the envelope that you can have a
26 floating mezzanine in here. I'm assuming that it goes here.

1 CHAIRMAN MAMMINA: It's not touching.

2 MEMBER HERNANDEZ: Yeah, I'm assuming that it goes in there.
3 There's no indication that it does.

4 CHAIRMAN MAMMINA: I think the way that it -- (inaudible)

5 MEMBER HERNANDEZ: Of course.

6 SECRETARY WAGNER: Would you show it like that? Separate? Or
7 would just want to --

8 MEMBER HERNANDEZ: Of course not.

9 SECRETARY WAGNER: What would you show it?

10 MEMBER HERNANDEZ: To show it was there.

11 CHAIRMAN MAMMINA: It'll be no reason to. If you did, I would
12 have lines that, you know, indicating out, and then hand --

13 MEMBER HERNANDEZ: And to draw a side view to show that it's --

14 MEMBER DONATELLI: You know, in my mind, the issue whether or
15 not it violates gross floor area or not. Does it violate gross floor
16 area of the mezzanine is there?

17 SECRETARY WAGNER: Well, I think that if you --

18 MEMBER HERNANDEZ: The problem that I have is that a lot these
19 things get approved with the ceiling height, which is higher than
20 one floor. Then, technically speaking, if you're looking at the
21 impact of zoning, it's the bulk of the building. If you want to build
22 with just 20-feet high as one floor, and then they come and putting
23 the mezzanine, you got a -- it has absolutely no impact --

24 MEMBER DONATELLI: Right.

25 MEMBER HERNANDEZ: On the neighborhood.

26 MEMBER DONATELLI: Agreed.

1 MEMBER HERNANDEZ: So therefore, you just double your whole
2 floor area.

3 CHAIRMAN MAMMINA: And it calls them two because they don't have
4 'cause otherwise except maybe as a second floor or whatever. So I
5 can see that it might have been -- it might have been how do I show
6 this?

7 SECRETARY WAGNER: Yeah, I think that's it because it's
8 like -- because you have a first floor and you have maybe a second
9 floor, and this is between, so how would you show an in-between.
10 That's why it's --

11 CHAIRMAN MAMMINA: We can go back and --

12 SECRETARY WAGNER: Yeah.

13 CHAIRMAN MAMMINA: Maybe second floor or --

14 SECRETARY WAGNER: Mezzanine.

15 MEMBER HERNANDEZ: What I'm saying that it's no additional
16 square footage because of the line.

17 SECRETARY WAGNER: Well -- but the bottom line it's the variance
18 is required to keep this mezzanine, which I think is there, is much
19 less the magnitude of the variance is much less than what the Board
20 granted for the addition.

21 MEMBER HERNANDEZ: Which was adding on the outside.

22 SECRETARY WAGNER: Believe me, going back and forth about
23 whether this mezzanine was there or whatever. I went back and forth
24 with Mr. Jacobs about this because it was so confusing to me when
25 he first came in as well 'cause I said, well, the plan that the Board
26 approved had a mezzanine, so why is this different? And then he said,

1 no, the mezzanine -- this mezzanine is in a different location, and
2 it's already there. And I said then why wasn't that mezzanine shown
3 on the first plan, and he said because that mezzanine was going to
4 be removed as part of the construction. They now -- that they're
5 not doing the construction, they're not removing, so now it's
6 staying.

7 MEMBER HERNANDEZ: They were never gonna move it up her.

8 MEMBER DONATELLI: It'll be less than the ask than the initial
9 application.

10 SECRETARY WAGNER: Exactly, right.

11 CHAIRMAN MAMMINA: Not that this extra points, but he's a good
12 architect. Straight shooter.

13 SECRETARY WAGNER: But I think it explains what they're doing.
14 There was so much confusion. So in other words, they have a building.
15 It has a mezzanine that was never legalized, but then when they were
16 going to the construction and additions, they were going to take that,
17 so it wasn't an issue. It was not on the original plan. Now, they
18 have to show it on the plan that needs to be legalized.

19 MEMBER HERNANDEZ: Now, they have to legalize.

20 SECRETARY WAGNER: So that's where we are. The question is,
21 is the Board on board.

22 MEMBER DONATELLI: Yes, I'm good with it.

23 MEMBER GOODSSELL: Yes, I'm on board with it.

24 MEMBER DONATELLI: Do you want a motion to reopen?

25 DEPUTY TOWN ATTORNEY ALGIOS: No, I think just a motion to
26 amend.

1 MEMBER DONATELLI: So I'll make a motion that we amend the
2 application.

3 CHAIRMAN MAMMINA: Motion from Member Donatelli. Second?

4 MEMBER DONATELLI: I'm sorry. That we approve the application
5 as amend.

6 DEPUTY TOWN ATTORNEY ALGIOS: Well, the application was
7 approved, and there's a decision. We're voting to amend the decision
8 to conform to the new plans.

9 MEMBER DONATELLI: Thank you. We amend the decision to conform
10 to the new plans.

11 SECRETARY WAGNER: Who's second?

12 MEMBER HERNANDEZ: Second.

13 CHAIRMAN MAMMINA: Please poll the board.

14 SECRETARY WAGNER: Member Donatelli?

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Chairman Mammina?

21 CHAIRMAN MAMMINA: Aye. Amended approved.

22 (WHEREUPON, the Proceedings concluded at 12:00 P.M.)
23
24
25
26

C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

I, Mariesel Berrios, 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 our outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, 2025.



MARIESEL BERRIOS