

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, January 22, 2025

10:00 a.m.

BOARD MEMBERS PRESENT:

David Mammina, AIA, Chairman

Patricia A. Goodsell, Esq., Member

Daniel D. Donatelli, Esq., Member

Jay Hernandez, Member

ALSO PRESENT:

Deborah Algios, Deputy Town Attorney

Virginia Wagner, Secretary to the Board

Michael Tumbarello, Planner II

CHAIRMAN MAMMINA: Everyone please rise and join Member
Goodsell in the Pledge of Allegiance.

(WHEREUPON, the Pledge of Allegiance was recited.)

CHAIRMAN MAMMINA: Thank you.

So thank you all, again, and welcome to the Town of North
Hempstead Zoning Board of Appeals, and what I'd like to do is kind
of go through the way we do things here in case you've never been
before a Zoning Board before or you may have been before a Zoning
Board in another town or village and we may do things a little bit
differently.

So the first thing that I will say, though, is if you've never
been before a Zoning Board before, just nice and calm, I like to say
pretend that we're talking across your kitchen table; okay? And
we're here, and while we have a legal -- we're not here to hurt
anybody, we're here to help wherever, again, and I think we do a good
job with that.

So what I'll do is, I'll run through, again, the specifics of
what we do here just so that everybody is familiar. If you're not
savvy at this, again, we'll remind you of things that you need to
do.

So as each case is called, you'll be called by our Secretary
or Planner, Mr. Tumbarello, because she's got a little bit of a throat
problem today, and then I will repeat the case so that it's called
on the record again by the Chairman, and I will ask -- then the
applicant can come forward to the podium. I will ask if there's

1 anyone who wishes to speak either in opposition or in support. You
2 don't have to identify that, we just ask for a hand up so that we
3 know that after the applicant has presented their case, that we have
4 other people that need to be given an opportunity.

5 The -- anyone who speaks either for or against the application,
6 the applicant will then have the opportunity, we'll ask the applicant
7 to have a seat wherever, and they will have the opportunity to come
8 up, and they will either support or refute what was said. We have
9 a three minute time limit on that. I like to say that we don't chop
10 anybody's head off at the end of the three minutes, but especially
11 when we have larger hearings, I mean, I don't know, for all that I
12 know, maybe half of the people who are here were sitting out on the
13 bus stop in the parking lot, but so that way we can try to contain -- to
14 contain that.

15 We do ask that you try not to repeat each other. If something's
16 on the record, it's officially on the record, and it doesn't get any
17 more emphasis if it's on the record multiple times or if you want
18 to still come on up, just come on up and say, I agree with the previous
19 speaker, and then it is on the record again.

20 So with that said, the applicant has come up, they've given their
21 name and address to our court reporter, and you then will have the
22 podium, and you put your case onto the record, and the Board will
23 ask whatever questions it feels that it needs to ask, excuse me, that
24 it feels that we need to ask as that is, you know, is going on. If
25 there are other people who want to speak, then they will come up,
26 and as I said, you know, they will have the opportunity to speak,

1 the applicant will have the opportunity to come back up. The Board
2 may have other questions that it wants to ask the applicant based
3 on things that were raised.

4 So when that is done, the hearing is done, and the Board will
5 do one of four things. We will either approve the application, deny
6 the application, reserve or continue. What that would mean is that
7 if we reserve, the Board has all the information that it needs, and
8 there's nothing else that we need from the applicant, and we're not
9 prepared to make a decision for any number of, you know, reasons.
10 We may want to go and see the site again, you know, we may just need
11 to deliberate over it, and when we do deliberate, I will state that
12 everything is open, and you know, to the public, it's on the network
13 so that you can hear it. There -- if you come down, you're welcome
14 to come down and there -- the public does not get the opportunity
15 to interact with the Board at that point, that's called the sunshine
16 laws, and so everything is heard, and then the last thing that we
17 may do is, we may continue the application, and we may continue the
18 application, really, for any number of reasons. We may want to ask
19 the applicant to bring up a closing document, you know, or some
20 photographs of the site in a, you know, specific kind of application
21 where that comes up or the Board could, you know, could be requesting
22 things, you know, of the applicant, so that would be continued; okay?
23 And when that is continued, there's virtually never a second hearing.
24 So you're not going to have an obligation, you know, to, you know,
25 to come back. I've been here for 30 something years, and I
26 don't -- maybe a second hearing happened a tiny handful of, you know,

1 of times. But again, then when we make our decision, after we have
2 continued that, then you'll have the opportunity to sit on that and
3 to hear that.

4 The Board has a -- what do we have, 62 days Deborah, to make
5 our decision?

6 ATTORNEY ALGIOS: Yes.

7 CHAIRMAN MAMMINA: Yeah, so there's 62 days that the Board has
8 in order to make its decision after the final piece of evidence or
9 documentation has been handed up.

10 So with all of that said, what I will ask everybody to do, and
11 everybody saw us setting up, you know, all of our stuff, and you can
12 do the same thing. I mean, we all live and die -- I'll just turn
13 the volume off on my phone. Just turn your volumes off. Turn them
14 off, if they play Stairway to Heaven, I don't know, whatever it does,
15 including me. I have been embarrassed, and also to ask anyone who
16 might be coming to the hearing who's not here now, ask them to do
17 the same thing. I mean, we all kind of live and die by these -- our
18 electronics at this point in history, and if you need to make a phone
19 call, take a phone call, you just want to stretch your legs, somebody
20 comes who's not here yet, and you want to tell them what has gone
21 on maybe in some other cases, at any time, anybody can do that, you
22 know, we're all ladies and gentlemen, just stand up and go out into
23 the -- out into the hallway there, you know, and feel free to do that.
24 There are mens and ladies rooms over on the side there.

25 Did I hit everything?

26 MEMBER HERNANDEZ: Yup.

1 CHAIRMAN MAMMINA: Okay, so then we are ready.

2 Mr. Tumbarello, do we have any adjournments to today's calendar?

3 MR. TUMBARELLO: Yes, we have three.

4 We have appeal number 21648, Michael and Melissa Stolper; 59
5 Litchfield Road, Port Washington; Section 5, Block 66, Lot 131; zoned
6 Residence-A.

7 Variance §70-29.C(1) to construct additions that would make the
8 house too big, and that is adjourned to February 5th.

9 Appeal number 21654, Muhammad and Malika Begawala; 46 Dogwood
10 Road, Albertson; Section 7, Block 305, Lot 19; zoned Residence-A.

11 Variance from §70-100.2.A. 2 to legalize a fence that is too
12 tall. That is adjourned to February 5th, and appeal number 21658,
13 Shirell Roebach; 4 Orient Court, Westbury; Section 11, Block 414,
14 Lot 426; zoned Residence-C.

15 Variance from §70-52 to construct a deck that is too close to
16 the rear property line. That's also adjourned to February 5th.

17 CHAIRMAN MAMMINA: Okay, so if anyone is here for any one of
18 those three cases, that will not be heard today, and all three of
19 them have been adjourned to February 5th, and it will be noticed
20 again, just with a letter, this time not registered mail.

21 Okay, with that being said, Mr. Tumbarello, please call the
22 first case.

1 MR. TUMBARELLO: First case is appeal number 21634, Peter and
2 Donna Rowlinson; 15 Lincoln Place, Port Washington; Section 5, Block
3 41, Lot 7, which is zoned Residence-C.

4 Variances from §§70-50(B), 70-51(B), 70-52, 70-52.3(A),
5 70-101(B) and 70-209(A) to construct additions to a dwelling and to
6 rebuild a dwelling that would be considered a new home that would
7 be located too close to the street, too close to a side property line,
8 too close to a rear property line and would pierce the sky exposure
9 plane with a one-story porch located too close to a street and to
10 rebuild a home that would not be in compliance with the zoning code.

11 CHAIRMAN MAMMINA: You heard appeal number 21634, Peter and
12 Donna Rowlinson.

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

15 Seeing one hand up in the back, and you will have the opportunity
16 to speak after the presentation.

17 Please give your name and address.

18 MS. ROWLINSON: Hi, Donna --

19 CHAIRMAN MAMMINA: Pull that microphone down so we can hear you.

20 MS. ROWLINSON: Donna Rowlinson, 15 Lincoln Place, Port
21 Washington.

22 CHAIRMAN MAMMINA: Good morning.

23 MS. ROWLINSON: Good morning.

24 CHAIRMAN MAMMINA: The microphone is yours.

25 MS. ROWLINSON: Thank you.

26 I'm here because we want to finish a project we started. My

1 architect is here as well, Janice Miller, and maybe she can help
2 because my husband's going to be spearheading this, but --

3 We bought this little cottage four years ago, and we just want
4 to make it pretty, that's all we want to do. We were approved in
5 May of 2022, and we started the construction, and we were very
6 excited, everything was approved, we went through this process, and
7 then I guess the little house had some issues that could not have
8 been seen until the construction started, and then everything had
9 stopped two years ago.

10 So we're just here to kind of finish up. It sounds like a lot
11 when you look at this appeal but it's just to kind of finish what
12 we started. We have the basement in, and I do feel sorry for the
13 neighbors because this has been going on for so long, it is a
14 construction site, and it's been a -- very difficult for us because
15 no one's living there now, hasn't been for a long time, and it's become
16 quite the financial hardship, and we just want to finish, and we've
17 kind of done the process that we've been asked to do all along the
18 way. We're not, you know, sidestepping anything, we're just trying
19 to get through it, and I don't know if you can -- if you want to speak
20 to my architect.

21 CHAIRMAN MAMMINA: Well, let me ask a few questions first, then
22 if Janice -- if we want Janice to come, it would help --

23 MS. ROWLINSON: Thank you.

24 CHAIRMAN MAMMINA: -- to support what we see here, and just for,
25 you know, for anyone else, you know, who is here, and we do have one
26 hand up.

1 Essentially, the issue here is obviously this house is very old,
2 may not have been upkeep very well prior to the current owners. You
3 know, it is -- you get water starts to come into the house and rots
4 out, you know, wood, and you know, that sort of -- that sort of thing,
5 and the building code, you know, says that, and the zoning supports
6 that, that if the house is more than 50 percent rebuilt, it then
7 becomes a new house, you know, and therefore, has to comply with the
8 zoning. That's what brings you back, you know, again.

9 Also, you got caught up, not that it -- not that it is conclusory,
10 it also happened during COVID, just adds, you know, one more thing,
11 you know, to you, but I would say, if Ms. Miller wants to put anything
12 onto the record, you know, just come on up, and then we'll have the
13 other gentleman speak. So you all will be able to have your seat.

14 MS. MILLER: Janice Miller, 2 Lincoln Place, Port Washington,
15 New York. So this is my street.

16 What happened was, we opened the walls, they opened the walls,
17 and Matt Cardone came to inspect, and he said, there's no way that
18 I can approve this which was completely correct. There was termite
19 damage, not all of the studs, some of the studs, and some of the joists
20 in the floor, and we want to do the right thing.

21 So we're here again because we don't want to close this up or
22 do -- or move forward without getting permission to fix, remedy,
23 what's essentially damage that's been, you know, that we found in
24 the walls and the floor. Nobody's trying to make this bigger or
25 change the plan at all. It's really just to build it correctly and
26 safely.

1 MEMBER GOODSSELL: So just for the record, there's no change to
2 the plans themselves from the approval in 2022.

3 MS. MILLER: No, we --

4 MEMBER GOODSSELL: And the reason for your presence here today
5 is on opening the walls, you discovered extensive damage that must
6 have been a bit of a shock, more extensive damage with either rot
7 or termites or both.

8 MS. MILLER: They were living part-time in this cottage before,
9 so it was habitable. Nobody saw this until they started working on
10 it, and so there's been a hole in the ground for two years almost
11 or -- a year, a year. It's pretty unsightly and a little bit unsafe,
12 so --

13 MEMBER GOODSSELL: And the picture that you showed us, what's
14 the approximate date of that picture?

15 MS. MILLER: That's the spring.

16 MEMBER GOODSSELL: It's awfully sunny, and it doesn't --

17 MS. MILLER: It's the spring.

18 MS. ROWLINSON: Yeah.

19 MS. MILLER: It's the spring.

20 MS. ROWLINSON: I know. It looks so pretty. But no, yeah,
21 that was when --

22 MS. MILLER: It was the spring.

23 MS. ROWLINSON: Right.

24 MS. MILLER: I met Matt Cardone there.

25 MEMBER GOODSSELL: So it would have been approximately April of
26 2024?

1 MS. MILLER: Yes, when we got a permit, and we -- and they
2 started.

3 MS. ROWLINSON: And you could see it's a tiny little house, a
4 tiny little house, and it needed to be pretty, and it's going to be
5 a beautiful house if we can continue to move forward. It's really
6 a cottage.

7 MS. MILLER: It's really a cottage.

8 Yeah, it's 892 square feet.

9 CHAIRMAN MAMMINA: I'm just curious because of my own love of
10 historical buildings, and you know, historic preservation. I'm just
11 curious, you know, on this because it is so oddly sited, you know,
12 S-I-T-E. Is there any history that you're aware of to this only
13 because it fascinates me.

14 MS. MILLER: There was no street there at some point. I went
15 all the way back.

16 CHAIRMAN MAMMINA: Sure.

17 MS. MILLER: I looked at everything. So it could have been an
18 outbuilding or something for a house on Bayview Avenue.

19 CHAIRMAN MAMMINA: Sure, yeah, yeah.

20 MS. MILLER: And then at some point they added a street. It's
21 really a little lane.

22 CHAIRMAN MAMMINA: Mm-hmm.

23 MS. MILLER: That's why -- that's why this is so close.

24 CHAIRMAN MAMMINA: I get it. I seek out those little lanes --

25 MS. MILLER: Yeah, I like that.

26 CHAIRMAN MAMMINA: -- and different places just to see.

1 Okay, we did have a gentleman who had wanted to speak as well,
2 and that is very important. So if you ladies can have a seat there,
3 and we'll invite you to come on up, give your name and address also.
4 You might want to pull the microphone.

5 MR. BORITZ: Up?

6 CHAIRMAN MAMMINA: Up.

7 MR. BORITZ: Can you hear me okay?

8 CHAIRMAN MAMMINA: Yes.

9 MR. BORITZ: Good morning, everybody, good morning to the
10 Board. Donna, it's nice to meet you.

11 MS. ROWLINSON: It's nice to meet you.

12 MR. BORITZ: I'm Evan Boritz, I live at 11 Lincoln Place, the
13 adjacent property to 15 Lincoln Place. I live there with my wife
14 Nicole, who spoke at one of the previous meetings, our daughters Avery
15 and Palin (phonetic). To your point, Chairman, we're tied to our
16 phones, and this is where I'm keeping my notes.

17 CHAIRMAN MAMMINA: You're fine.

18 MR. BORITZ: So as the adjacent property owner, I really wanted
19 to attend today's hearing, not necessarily to speak out for or against
20 the design plans, that ship has seemingly sailed, but really to get
21 a better understanding of what the status of the construction project
22 is and to find out why we're the ones living next to the aforementioned
23 cement hole that is surrounded by garbage, appliances, weeds growing
24 on top of weeds for the past seven or so months, and it's an awkward
25 situation, you know. Obviously, in an ideal world, we would prefer
26 when the cottage was purchased three or four years ago, that it was

1 renovated in its existing footprint, it would have been no impact
2 on us and the adjacent neighbors. However, you know, Pete and Donna,
3 they're supposed to be our future neighbors, you know, they're not
4 developers, and they don't plan on building and selling or renting
5 out this property as an investment. So we understand why they want
6 to fix it up, make it larger, you know, make it pretty. We appreciate
7 Janice being a neighbor as well and trying to do the best for the
8 rest of the residents on Lincoln Place.

9 I certainly take Pete for his word. When we had a few brief
10 conversations, he talked about putting in the proper landscaping once
11 the construction was complete so that we're not left staring at the
12 back of the house. So essentially, we are being treated as the side
13 property lot if we're technically the rear given the direction the
14 structure is facing, but between the 10 to 15 feet away from our back
15 porch which previously had exposure to landscaping, exposure to the
16 sky, and that might be blocked by the 16, you know, foot height of
17 the extension being put onto the front of the building.

18 I think one of the things that we love the most about Port
19 Washington and our neighborhood specifically is just how friendly
20 everyone is from the bottom of the street on Lincoln to the
21 surrounding streets. We all united this past year to try and fight
22 the Police Department being built on Webster Avenue, unsuccessful,
23 but that's the kind of community that we built there, and again, my
24 few interactions with Pete have been very pleasant. I'd imagine he
25 and Donna would be welcome additions to the rest of the neighborhood.

26 I do have one concern that I need to share and put on record,

1 and I don't know if it's the right place to do it. Donna, obviously
2 you know, this past year or a year and a half ago, there were some
3 challenges with your son who was living on the property while you
4 and Pete weren't there. I mean, there were a couple of run-ins with
5 local neighbors, there was issues with the local Police Department
6 to the point where our child care was actually afraid to walk down
7 Franklin Avenue at night, and the reason I'm bringing that up, you
8 know, is the brief interactions I had with Matthew. He had suggested
9 that part of this construction was being done for him to have a
10 residence in the basement of the house , and again, as a father of
11 two daughters, aged nine and six, I need to let those concerns be
12 known. I don't want my family feeling unsafe in our own backyard.

13 CHAIRMAN MAMMINA: What I would say --

14 MR. BORITZ: Yeah.

15 CHAIRMAN MAMMINA: -- just to keep the record clear, is that
16 we're a quasi-judicial Board, so for all intents and purposes, not
17 that I feel that way, none of my kids respect me as a kind of judge,
18 you know, but we are -- we are all judges up here, and the only thing
19 that we can look at is the physical house, you know, and you know,
20 and all of those, you know, of those things related --

21 MR. BORITZ: Sure.

22 CHAIRMAN MAMMINA: -- to it, you know, and I am happy to hear
23 that your, I guess your opinion is that once it's done, they'd be
24 good neighbors, I mean, that's, you know, it doesn't have anything
25 to do with the zoning --

26 MR. BORITZ: Right.

1 CHAIRMAN MAMMINA: -- per se, but you know, she looks like a
2 lovely woman, you look like a terrific man as a neighbor.

3 MR. BORITZ: Yeah.

4 CHAIRMAN MAMMINA: So I'd just like to put that, you know, on
5 there, and we'll let people put that onto the record, but you know,
6 at some point we say, you know, we've got --

7 MR. BORITZ: Yup.

8 CHAIRMAN MAMMINA: It's important to understand what we do --

9 MR. BORITZ: Right.

10 CHAIRMAN MAMMINA: -- what we do here.

11 MR. BORITZ: Right. I think that's, again, just one of our,
12 you know, few concerns here.

13 Really what I hope comes out of today's meeting is some sort
14 of resolution. Again, we've been living next to both an eyesore and
15 a safety hazard for the past seven, eight months since the basement
16 was dug out. We have plans on getting a dog this summer. My biggest
17 fear would be him getting off the leash and heading over to that
18 property. The fence, it's up at times, it's down at times, there's
19 areas that are open to kids and animals to potentially get injured,
20 and currently, you know, our backyard porch is completely exposed
21 to Franklin Avenue after trees, bushes were ripped out during
22 construction. So we just want that situation rectified.

23 I'm happy to answer any questions but I also appreciate the
24 opportunity to be heard, and Donna, it is nice to meet you, obviously,
25 hopefully different circumstances, but I've met Pete, I've enjoyed
26 our conversations, and I look forward to welcoming you to the

1 neighborhood.

2 CHAIRMAN MAMMINA: Just what I would say, just remembering
3 this, you know, from, you know, from before, you know, and just
4 talking as someone who owns a house, you know, and you know,
5 understands, and we all pay a lot of taxes, you know, we want it,
6 you know, to be -- to be a certain way. But I'll say for myself,
7 you know, I'm the architect on the Board, we've got a developer over
8 here and our other two members are attorneys. So we have a nice -- we
9 have a nice mix, and COVID was a disaster, and you know, for major,
10 major projects I had in Manhattan, stopped, and you know, I would
11 have to think that at least some of that, you know, would have applied,
12 you know, here. I did see, you know, a fence, you know, maintenance
13 of the fence, you know. It is then up to the applicant. I'm not
14 saying that this is a conclusion, but when the Building Department
15 comes down, they're looking for, you know, for things like that. So
16 I mean, the delay, I would guess it is -- it was put onto that period
17 of time, you know, in there while it was difficult. The location
18 of the house is very odd, very, very, you know, difficult. They're
19 truly, as I see it, other than knocking the house down and starting
20 over again, which might have more impact, you know, on you, you know,
21 and you know, what the builders --

22 MR. BORITZ: Mm-hmm, we've had builders come to us before, share
23 plans, and the neighborhood's rejected it. They moved on from the
24 project.

25 CHAIRMAN MAMMINA: Sure, sure.

26 So I'm just saying this is going to be so tiny. I think it's

1 kind of like a cute little cottage, and when it's all done, it's on
2 a great street and great neighbors, I'm sure. I'll include Janice
3 in that as well. So you know, they've been through a lot; you know?

4 MR. BORITZ: Sure.

5 CHAIRMAN MAMMINA: They had to come to the Zoning Board first,
6 and then you start the work. It was very hard to find construction
7 companies even that were still working during that time period, you
8 know, and identifying that they have to take half the house down,
9 you know, or almost the majority of the existing house, you know,
10 and then, boom, there go the costs, you know.

11 So you know, four years, I guess I can understand four years.
12 I can understand your frustration with four years, and I'm also the
13 total dog person, and I don't want that dog to get sick.

14 MR. BORITZ: No, because we've lived here as well when the
15 construction was finally starting last spring. We were almost glad
16 that there was going to be a resolution to the point where their
17 contractors borrowed our hose --

18 CHAIRMAN MAMMINA: Sure.

19 MR. BRITZ: -- in order to fill cement.

20 CHAIRMAN MAMMINA: Yup, yup.

21 MR. BORITZ: And the project paused and sat there for what?
22 Eight or nine months now. Nobody could give us answers, and we
23 finally saw this hearing on the calendar.

24 CHAIRMAN MAMMINA: Sure.

25 MR. BORITZ: And thought this would be the opportunity to
26 understand what's going on, what the hold has been and what the

1 potential remedy is.

2 CHAIRMAN MAMMINA: It absolutely is, it absolutely is, and I
3 say, we're all neighbors, and the town is a great town, and I think
4 the feelings in the neighborhood are really strong, and it's
5 important, you know, for, you know, for neighbors to understand that
6 what is going on, you know, while again, it's not exactly what we're
7 supposed to be doing here, but I don't mind, you know, saying it,
8 because as I said, we're here to try to help everybody.

9 It would seem that once this hurdle is jumped out of the way,
10 the foundation is already in, you know, I don't want to start to make
11 projections of what the contractor should be doing time-wise.

12 MR. BORITZ: Mm-hmm.

13 CHAIRMAN MAMMINA: This would seem to me to be something that
14 should move, you know, very, very quickly, in my opinion, having
15 nothing to with them, I don't know them, by the early summer, you
16 know. You should have the house, you know, in place and then the
17 landscaping can start, you know, while there are no requirements that
18 the Zoning Board has regarding landscaping, we ask people to be good
19 neighbors, you know, and take care of shielding that. I guess I have
20 no basis to think that anything else would happen. There's no change
21 in grade, you know, in there, in the street itself, but it's down
22 more, but --

23 MR. BORITZ: Yeah.

24 CHAIRMAN MAMMINA: Hopefully, it turns out, you know, to be
25 something that's very good, you know, for the neighborhood, for the
26 applicant, for you and for your family. So you will have moved

1 through, you know, a difficult thing and hopefully have something
2 that will also increase the values of your property.

3 MR. BORITZ: That's the hope.

4 CHAIRMAN MAMMINA: Yep, absolutely.

5 Okay.

6 MR. BORITZ: Okay.

7 CHAIRMAN MAMMINA: So --

8 MR. BORITZ: Thank you.

9 CHAIRMAN MAMMINA: Thank you, very much, and I think it's
10 important for neighbors to come down. So I guess whoever would like
11 to -- you could come back up, Ms. Rowlinson, that's fine.

12 MS. ROWLINSON: I just want to thank you and my neighbor for
13 coming today, and I definitely appreciate, I mean, not wanting to
14 be near a construction site or if the workers leave cans, and I
15 actually had to call the contractor and say, c'mon guys, you know,
16 you can't leave a mess. I don't like it, I don't want to look at
17 it, and I certainly respect that.

18 Unfortunately, we are living very far away now, and it's hard
19 for us to be there daily. But you can rest assured that as
20 construction continues, the top priority will be to make sure that
21 it is a clean construction site and a safe construction site, and
22 that's all I want to say.

23 CHAIRMAN MAMMINA: Okay, so anything else from anybody else?

24 (WHEREUPON, there was no response.)

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

26 MEMBER HERNANDEZ: Mr. Chairman, this is basically something

1 that was approved a year and a half ago, two years ago. The process
2 started, but because of the technicalities, if you will, of the added
3 work that needed to be done to the house, not to change what was
4 approved, but to rebuild what was already there, it required them
5 to come back again for the second time in front of us.

6 So as nothing has changed from the last time, I move to approve
7 the application.

8 CHAIRMAN MAMMINA: Okay, we have a motion.

9 MEMBER GOODSSELL: I will second.

10 CHAIRMAN MAMMINA: Motion by Member Hernandez, seconded by
11 Member Goodsell, and I will say for myself, it'll be 892 square feet,
12 you know, when it's done. So it will be a very cute little
13 one-bedroom with a study, and it will certainly take what is certainly
14 an eyesore, and bring it, you know, to something that's more
15 acceptable. From a zoning perspective, this is an existing
16 building, you know, it's been there for a long time. The reasons
17 are on the record as to what delayed it, and I also vote aye on the
18 application to approve and get everything started.

19 Please call the roll, Mr. Tumbarello.

20 (WHEREUPON, there was a unanimous, affirmative vote of the Board
21 members present.)

22 CHAIRMAN MAMMINA: So the application is granted, and thank
23 you, thank you sincerely, sir, for coming on down, and hopefully,
24 you'll have a barbecue at some point.

25 (WHEREUPON, this application was granted.)

1 CHAIRMAN MAMMINA: Okay, Mr. Tumbarello, please call the next
2 case.

3 MR. TUMBARELLO: The next case is appeal number 21583, United
4 Cerebral Palsy Association of Nassau County; 9 Belleview Avenue, Port
5 Washington; Section 5, Block 81, Lot 10; zoned Residence-C.

6 Variances from §§70-44 and 70-208.G to convert a three-family
7 to a four-family house, not a permitted use, that is an expansion
8 of a non-permitted use.

9 CHAIRMAN MAMMINA: You heard appeal number 21583, United
10 Cerebral Palsy Association of Nassau County.

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

13 (WHEREUPON, there was no response.)

14 CHAIRMAN MAMMINA: Seeing no one, I think.
15 Okay, please give your name and address.

16 MS. DEEGAN DICKSON: Good morning.

17 CHAIRMAN MAMMINA: Good morning.

18 MS. DEEGAN DICKSON: My name is Kathleen Deegan Dickson, I'm
19 a partner in the law firm of Forchelli Deegan Terrana, LLP, 333 Earle
20 Ovington Boulevard, Uniondale, New York. I'm here on behalf of the
21 application of United Cerebral Palsy Association of Nassau County
22 which is the owner of the property at 9 Belleview Avenue in Port
23 Washington.

24 I just want to mention I have Paul Lowry who is with United
25 Cerebral Palsy Association, Nassau County, in case you have any
26 questions as I go through my presentation after I'm done.

1 So as the notice correctly states, we're seeking relief from
2 Sections 70-44 and 70-208(G) of the North Hempstead code to convert
3 an existing conforming three-family back to a four-family house in
4 the Residence-C District.

5 The three-family house is a non-permitted use as is a
6 four-family house, but this is not your typical use variance, and
7 I think we'd like to have an opportunity to tell you why.

8 So the unique circumstances of the applicant's mission and this
9 house's configuration make this house an ideal case for a requested
10 use variance. You will see that due to the applicant's business
11 model, and I put that in quotes because they're not a business in
12 any traditional sense, it is impossible for them to realize any
13 reasonable return on their investment and are in fact operating in
14 the red every month and will continue to do so unless this variance
15 is granted.

16 To better understand the applicant's request, I want to give
17 you a little background regarding the United Cerebral Palsy
18 Association of Nassau County. It is a 501(c)(3) corporation,
19 nonprofit organization, that was founded in 1948. Their mission was
20 then, and remains to this day, to offer a variety of services which
21 provide opportunities and housing for individuals with disabilities,
22 so to enable them to become self-reliant and retain -- maintain
23 their -- attain their maximum potential.

24 In 1952, the organization opened a 14 acre campus in the Town
25 of Hempstead that still operates to this day. There they offered
26 adult day care programs -- adult day programs, children's learning

1 services, a medical, therapeutic and rehabilitation service
2 benefiting more than 1,500 Long Islanders with disabilities.

3 In 1981 CPA, Cerebral Palsy Association, opened its first
4 community-based housing, and continues to operate a number of houses
5 in nice normal residential neighborhoods like the one before you
6 today.

7 All of CPA's facilities are uniquely built to accommodate the
8 specialized needs of individuals with developmental disabilities,
9 and they include ramped entranceways, accessible kitchens,
10 accessible bathrooms, wide, clear hallways that make them completely
11 ADA accessible.

12 As you may know, much of Long Island's affordable housing stock
13 are not designed to be accessible, and they don't allow, even though
14 they're affordable, they don't necessarily allow those with
15 disabilities to maintain their independence.

16 CPAs homes, like 9 Belleview Avenue, bridge the gap between
17 affordable and accessible by offering specialized accessible homes
18 with access to CPA's agency services and resources that they can bring
19 to a resident.

20 Nine Belleview Avenue was built in 1959 as a four-family
21 dwelling -- as a four-family dwelling. It was issued a Certificate
22 of Occupancy in 1960 under the then RF Zoning District which permitted
23 four-family homes.

24 In 2015, the year before CPA purchased the property, for reasons
25 that we've been unable to determine, a new Certificate was issued
26 converting the house from a four-family house to a three-family

1 house. We're not sure why, but the current Certificate of Occupancy
2 shows a nonconforming three-family house.

3 CHAIRMAN MAMMINA: What year was that? I'm sorry.

4 MS. DEEGAN DICKSON: That was in 2015.

5 CHAIRMAN MAMMINA: Okay.

6 MS. DEEGAN DICKSON: And CPA purchased it in 2016.

7 CPA was attracted to this house because of its location, it's
8 in a nice central location, close to Main Street in Port Washington,
9 close to the train station, and it has the ability and the bones to
10 make it accessible, at least on the first floor.

11 MEMBER HERNANDEZ: One clarification.

12 MS. DEEGAN DICKSON: Yes.

13 MEMBER HERNANDEZ: You said that in 2015, a new Certificate of
14 Occupancy was issued changing it from three to four. Was the house
15 changed from four to three?

16 MS. DEEGAN DICKSON: So the house currently has three units in
17 it. Three --

18 MEMBER HERNANDEZ: I'm assuming --

19 MS. DEEGAN DICKSON: So --

20 MEMBER HERNANDEZ: -- someone changed that configuration of the
21 house.

22 MS. DEEGAN DICKSON: Yes.

23 MEMBER HERNANDEZ: -- to make it --

24 MS. DEEGAN DICKSON: Correct, yes, at some point --

25 MEMBER HERNANDEZ: -- issued a new Certificate.

26 MS. DEEGAN DICKSON: No, no, no, I didn't mean to imply that.

1 So this is a two-story house that has two second floor apartments
2 that exist, and then the first floor is what we're seeking to convert
3 the one four-bedroom apartment into two smaller two-bedroom
4 apartments. We're not talking about changing the exterior of the
5 house at all, and you'll notice from the floor plan, it involves the
6 construction of essentially a dividing wall down the middle of the
7 apartment and around the staircase, and then the addition of a kitchen
8 on the one side. That will allow two bedrooms and two bedrooms to
9 exist. It will close off this awkwardly narrow hallway here, which
10 is not -- it's not wide enough to comply with ADA, the existing
11 hallway, and we'll create two separate standalone living units for
12 people with developmental disabilities.

13 There are two driveways on the site, two detached garages, it's
14 really -- it really has been set up to be -- to accommodate multiple
15 families.

16 The two second floor apartments are not accessible due to the
17 fact that they're accessed by stairs, and it's always been the plan
18 by CPA to rent those at more closer to market rate to nondisabled
19 people. This will satisfy the dual purpose of giving them a little
20 bit of extra income to the house while also integrating disabled and
21 nondisabled people in the same living space. That's one of the
22 objectives of the Office for People with Developmental Disabilities
23 in New York State and also CPA has been really trying to make sure
24 that people are not warehoused, put away, that they're
25 actually -- actually able to live to their full potential.

26 MEMBER GOODSELL: Are the second floor apartments occupied

1 right now?

2 MS. DEEGAN DICKSON: So presently, one of them is, one of them
3 is vacant and is being renovated. So the one that is occupied right
4 now is also significantly below market. That tenant was there when
5 CPA moved in shortly thereafter. It's a young family, growing
6 family. They were paying below market rent, and CPA has kept it low
7 because they're also assisting the first floor residents with some
8 of their needs, helping them get out to recreation and shopping, and
9 you know, it's sort of an informal arrangement but it's been mutually
10 beneficial, so that rent has been kept low to keep that.

11 MEMBER GOODSELL: This young family's living in a two-bedroom
12 unit?

13 MS. DEEGAN DICKSON: Yes, in a two-bedroom unit on the second
14 floor. So this is your second floor plan which is essentially a
15 stacked image of what's proposed for the first floor. I don't have
16 an existing conditions plan of the first floor, but just take out
17 that wall, take out this and take out that kitchen, and that's what
18 the first floor currently, how it's currently used.

19 MEMBER GOODSELL: There are currently three kitchens on the
20 premises.

21 MS. DEEGAN DICKSON: Correct, yes. Two on the second floor and
22 one on the first floor.

23 So the -- I want to stress that there are no exterior
24 alterations. There'll be some improvements. As the income
25 productivity of this property increases they'll be able to do some
26 much needed improvements with new windows, new roof, just some

1 cosmetic repairs and some basic safety repairs. The second floor
2 right now has one vacant apartment that's being renovated. It was
3 not really in shape to be re-rented in the condition it was in, so
4 that's being renovated right now at a substantial cost which is adding
5 to part of the financial hardship that CPA is experiencing with this
6 house.

7 Getting back to the mission of the Cerebral Palsy Association,
8 the New York State Office for People with Developmental Disabilities,
9 which is the OPWDD, you may hear that referred to throughout, they
10 provide grants to eligible individuals to assist in subsidizing
11 housing costs. These individuals receive approximately \$2,300 a
12 month, but it varies from person to person.

13 CPA's model is to cap the rent at no more than this housing
14 subsidy, which is well below market for this area, so that their homes
15 are accessible to people of low income levels. Most private
16 landlords, as you know, they charge market rents and even if it is
17 an accessible apartment, it eliminates a large part of the disabled
18 population from living there. Most people, even if they can afford
19 it, it's because they have a family subsidy in addition to anything
20 that they're getting from the state or some people who actually, you
21 know, are able to earn an income, a substantial enough income. But
22 most of the people that CPA serves don't have that ability. Their
23 OPWDD housing subsidy is their primary source of rental income or
24 income for their rent. So what happens oftentimes is, rent will
25 start out market rate apartment, it'll start out affordable, and as
26 it increases over time people find themselves in a situation, if they

1 don't have somebody to help subsidize them, they find themselves in
2 a homeless, a potentially homeless situation.

3 So CPA's model is a safety net for these people, and those are
4 a lot of people that they've captured. In fact, one of the first
5 floor tenants faced a similar situation where they were basically
6 pushed out of their apartment because the landlord just kept
7 increasing the rent. They were friendly with the other first floor
8 tenant, their housemates, you know, apartment mates there, and CPA
9 was able to bring that person in, give them housing and make it
10 affordable so that their subsidy would cover it.

11 The original plan was to actually take the first floor as it
12 is and just rent it to four individuals. There was a sense that this
13 would work for their business model or for their -- at least for their
14 mission. What they've found, though, is that when you're dealing
15 with a population that is capable of living in the community, they're
16 basically high functioning people, they're not looking to live in
17 a dormitory setting with three strangers. You can get somebody to
18 get a housemate, you know, one roommate or maybe you have a live-in
19 aide that maybe is a 24 hour aide and needs a separate room. That's
20 what the practical reality is. So while they thought that they were
21 going to be able to live with the house the way it was, it really
22 just, it's not practical from a user standpoint, and it's not
23 practical from the landlord standpoint.

24 I wanted to refer you to Exhibit 4 in the Exhibit packet that
25 we submitted, and I apologize if we got it to you a little late, but
26 hopefully, you've had a chance to take a look at it. It details the

1 income and expenses of the house for the last several years.

2 MEMBER HERNANDEZ: Exhibit 4?

3 MS. DEEGAN DICKSON: Exhibit 4, yes. Let me just make sure I
4 gave you the right number.

5 MEMBER HERNANDEZ: I don't see an Exhibit 4.

6 SECRETARY WAGNER: When did you send it in?

7 MS. DEEGAN DICKSON: They were submitted yesterday through the
8 portal.

9 SECRETARY WAGNER: On the portal.

10 CHAIRMAN MAMMINA: Do you have any additional copies here?

11 MS. DEEGAN DICKSON: I do have one.

12 SECRETARY WAGNER: When you submit to the portal, you have to
13 let us know because we don't get a notification of that.

14 MS. DEEGAN DICKSON: Okay.

15 If you have the full packet, I just -- I have my extra copy just
16 for --

17 CHAIRMAN MAMMINA: We can share.

18 MS. DEEGAN DICKSON: There's a few different Exhibits in there.

19 (WHEREUPON, there was an off-the-record discussion.)

20 CHAIRMAN MAMMINA: Just let's pause for a moment because Member
21 Donatelli is here.

22 MEMBER GOODSSELL: And Member Goodsell is moving.

23 CHAIRMAN MAMMINA: Member Goodsell is moving over.

24 MEMBER GOODSSELL: So Member Donatelli can have his usual seat.

25 MEMBER DONATELLI: Excuse my delay.

26 (WHEREUPON, there was an off-the-record discussion.)

1 CHAIRMAN MAMMINA: Okay, we have additional copies.

2 MS. DEEGAN DICKSON: So the one that's e-mailed, you can make
3 it bigger to see.

4 CHAIRMAN MAMMINA: Can I ask a question --

5 MS. DEEGAN DICKSON: Yes.

6 CHAIRMAN MAMMINA: -- just that's being discussed up here. The
7 people who are going live in the individual apartments, would it be
8 one person, one person with a roommate, one person who might be
9 married, one person who might be married -- I guess the question is,
10 is it, and I don't know that it matters, really, but is it multiple
11 people? Because I thought you had said that, you know, it would not
12 be, you know, four roommates together or something like that. I
13 don't know that it affects the application at all, but --

14 MS. DEEGAN DICKSON: So to answer your question, it could be
15 any one of those scenarios.

16 CHAIRMAN MAMMINA: Okay.

17 MS. DEEGAN DICKSON: It depends on who they are. Most
18 situations, though, are an individual and a single roommate or an
19 individual and a home health aide. So chances are there will be a
20 maximum of four people living there.

21 CHAIRMAN MAMMINA: Mm-hmm.

22 MS. DEEGAN DICKSON: Is it possible that somebody might have
23 a child or might have a spouse? Yes, certainly.

24 CHAIRMAN MAMMINA: They're very large apartments, so that could
25 easily happen.

26 MS. DEEGAN DICKSON: Yeah, yeah, but the intent is that it will

1 be limited to people who qualify for services from OPWDD and also
2 from United Cerebral Palsy Association.

3 CHAIRMAN MAMMINA: Okay.

4 MEMBER GOODSELL: Is there any anticipation that one of the
5 second floor apartments could be used by someone with Cerebral Palsy?
6 I recognize that the disability does include disability with
7 mobility, their ability to climb stairs.

8 MS. DEEGAN DICKSON: Right.

9 MEMBER GOODSELL: But, are there no persons who qualify? You
10 mentioned that the intent is to rent them at market value to produce
11 income from nondisabled people.

12 MS. DEEGAN DICKSON: Mm-hmm.

13 I suppose it's possible, but there's not a plan to put an
14 elevator or a lift in at this time. I would imagine that if somebody
15 came and was a little bit more physically able and that they could
16 avail themselves and take advantage of the services, I would imagine
17 that they would be accommodated, you know, there's such a deficiency
18 of affordable accessible units that when -- if you have, especially
19 CPA, if they have an opportunity to provide that to one of their -- one
20 of their people, they will jump at that chance.

21 I just think that, what I've been told is that the nature of
22 the disability really doesn't lend itself to second floor living.
23 So I don't want to say, no, never, but I figured for the purposes
24 of this application, when we're talking about income and expense,
25 let's assume that they're going to get a higher rent up there at closer
26 to market rate which, you know, when you look at the numbers in Exhibit

1 4 you'll see that it still barely gets them breaking even and doesn't
2 allow them to put anything away for, you know, the rainy day, for
3 the, you know, blown water heater in the basement, or you know, you
4 know, any kind of a replaced appliance and things like that. You
5 know, one of the things that makes this work right now is that CPA
6 has a whole staff that -- maintenance staff that works at all of their
7 homes. So they don't have to hire a handyman, or you know, bring
8 in a separate plumber every time.

9 So they're really very lean and mean as it is, financially, and
10 you know, and this is an older home, it needs a lot of TLC. They're
11 trying to give it the TLC it needs to make it as nice a place to live
12 as possible.

13 MEMBER HERNANDEZ: So the business model for this house is two
14 people that need that -- I don't know what they call them, you know.

15 CHAIRMAN MAMMINA: Services.

16 MS. DEEGAN DICKSON: Mm-hmm.

17 MEMBER HERNANDEZ: The services of the Cerebral Palsy
18 Association, CPA, but the upper apartment will basically be used as
19 the money generators to be able to subsidize the lower rent for the
20 ground floor.

21 MS. DEEGAN DICKSON: Correct, that's the business model.

22 MEMBER GOODSSELL: And if I can, just for the record, according
23 to Exhibit 4 that you've submitted to the Board, this house operates
24 at an actual deficit or a projected deficit of approximately \$10,500
25 a year.

26 MS. DEEGAN DICKSON: Yes, and that's including rent for that

1 vacant upstairs apartment, so if you --

2 MEMBER GOODSSELL: -- who's paying rent on a vacant apartment?

3 MS. DEEGAN DICKSON: No, nobody is, but when we -- for the
4 modeling here --

5 MEMBER GOODSSELL: Yes.

6 MS. DEEGAN DICKSON: -- we included that in so you could see
7 that even when that's rented, it's still going to operate at a
8 deficit.

9 MEMBER GOODSSELL: Okay.

10 MS. DEEGAN DICKSON: Which is, you know, it's not ideal but
11 because they are a mission driven organization, and there is a
12 philanthropic side to it, they -- they try to make their houses
13 self-sustainable. They try to make each one stand alone. To the
14 degree that they can't, you know, there are grants and -- not grants
15 so much but donations, and you know, they do receive contributions
16 from individuals, and there is resources at the organizational level
17 that they can put in. But each house really is supposed to stand
18 alone on its own, at least cover total costs, not make a profit, not
19 put any extra money back into programs, just keep the house
20 sustainable which this is not presently.

21 CHAIRMAN MAMMINA: If I put the architect hat on, I've done a
22 lot of housing like this for different groups and also having had
23 a relative who had CP, adding a lift to the building would be
24 architecturally awkward and really diminish space inside the
25 apartments. It would have a fairly substantial cost, you know, as,
26 you know, as well, and then could have its own limitations just, you

1 know, based upon that individual, you know, who may suddenly say,
2 okay, yes, we can get somebody in there, you know, they have a
3 wheelchair or their mobility is reasonable. So I mean, that would
4 have impact, you know, on the usability of the units as well, and
5 aside from that, you know, then, you know, then substantial cost,
6 you know, to make that second floor accessible. So just --

7 MS. DEEGAN DICKSON: Yeah.

8 MEMBER HERNANDEZ: But again, the business model is to use the
9 second floor to subsidize the lower floor. It doesn't make any sense
10 to try to make that also a low income.

11 MS. DEEGAN DICKSON: Well, that's true, too.

12 MEMBER HERNANDEZ: They have to pay for the house.

13 MS. DEEGAN DICKSON: Yeah, and as it stands right now, the one
14 apartment that is occupied, as I mentioned, they are leasing it below
15 market, again, in advance of their mission, because the person who
16 lives up there has been very helpful to the individuals on the ground
17 floor.

18 MEMBER HERNANDEZ: Back in kind.

19 MS. DEEGAN DICKSON: Right, yes.

20 MEMBER DONATELLI: So forgive me for coming in a bit late, and
21 if this was addressed earlier, I'll read the minutes and review the
22 proceedings, but right now, I guess the building is being operated
23 at a deficit?

24 MS. DEEGAN DICKSON: Yes.

25 MEMBER DONATELLI: Okay, and how is the deficit currently being
26 covered?

1 MS. DEEGAN DICKSON: Chewing gum and string, basically. They
2 are, I think, being subsidized somewhat by the parent organization,
3 but primarily, it's repairs that need to be done that are not being
4 done. The -- I don't really know the answer to that, maybe Mr. Lowry
5 has a response to that.

6 Just state your name.

7 MEMBER DONATELLI: So I just realized I'm speaking without a
8 mic but I guess you heard the question.

9 MR. LOWRY: Yes.

10 MEMBER DONATELLI: Okay.

11 MR. LOWRY: And I heard Kathleen ask me to come up.

12 Yeah, right now, as you guys are aware from the information
13 that --

14 ATTORNEY ALGIOS: You need to give your name and address.

15 MR. LOWRY: Paul Lowry, 380 Washington Avenue, Roosevelt.

16 Yeah, the Port Washington house, as Kathleen was stating,
17 upstairs there were two two-bedroom apartments that we rent out, I
18 guess you could say, like, to the general public and downstairs is
19 for the use to rent to folks that have developmental disabilities,
20 and what the agency is looking to do right now is to -- when we
21 purchased the house, before we did, the house -- the first floor
22 actually had two apartments, and like Kathleen said, for whatever
23 reason, it was opened up to one apartment, and that's the way we
24 purchased it, and I'll try to give you what information I can. I
25 wasn't part of all of this at the time because I wasn't involved in
26 this part of the agency back at the time, and I'm here as, like, a

1 last minute substitute. My colleague who was supposed to be here
2 got stuck in Texas. But what we're looking to do is, to get the two
3 apartments downstairs for two reasons. A) to augment the income so
4 that we have the money for, like, needed repairs. We need to replace
5 the windows, they're old single pane wooden frame windows that are
6 not in great shape, replace the siding, which is, my understanding
7 is, asbestos shingles with, you know, new vinyl siding and things
8 in that nature that need to be done for the house, for the upkeep,
9 for you know, where the house is, it's just -- what we historically
10 do is we blend into the neighborhood that we're in, and we like to
11 be polite neighbors, quiet neighbors, and having the upstairs income
12 helps to subsidize because it is by OPWDD.

13 So whether it's four people in one large apartment downstairs
14 or two people in one large apartment downstairs, the regular income
15 from the agency is the same. So having two separate apartments helps
16 to bring in the extra income to sustain the needs, the physical needs,
17 maintenance, repair needs of them.

18 MS. DEEGAN DICKSON: And Mr. Donatelli had asked, how is that
19 shortfall being covered now?

20 MR. LOWRY: However we can. We're a not-for-profit agency, you
21 know, maybe on this side we make a little bit of money, this side
22 we lose a little of bit of money. The idea is, hopefully, at the
23 end of the year, we come out at a break even point so that if we have
24 a little money over here we can help out with a definite over here,
25 and that's basically how we wind up doing it plus from fund raising.
26 Typically, we will apply for grants that apply to our situation and

1 hope that we receive a grant of some kind that can help with issues
2 such as this. You know, we look for those general type maintenance
3 grants to help augment what we're able to do ourselves with the money
4 that we have.

5 MEMBER DONATELLI: And do the residents that live there, do they
6 own automobiles?

7 MR. LOWRY: No.

8 MEMBER DONATELLI: What about the units upstairs, the proposed
9 tenants that may be renting upstairs?

10 MR. LOWRY: Oh, they do, yeah.

11 MEMBER DONATELLI: Presumably they would.

12 MR. LOWRY: Yeah, the folks who live there now in the one
13 apartment who are up there, they have a car. The folks who moved
14 out, they also had one, but they moved out some time ago, and like
15 Kathleen said, we were looking to do some renovations in the apartment
16 to re-rent it.

17 MEMBER DONATELLI: Thank you.

18 MR. LOWRY: You're welcome.

19 MS. DEEGAN DICKSON: So as mentioned, and Mr. Donatelli, I know
20 you weren't here at the very beginning, but this is an existing
21 three-family house that's nonconforming that was built as a
22 four-family house, and at some point around 2015, it was converted
23 back to a three-family. We have no idea why or how or why, but it
24 was prior to my client's purchase.

25 So you know, as I mentioned at the very beginning, this is a
26 very unique case for a use variance. You know, most of the time under

1 facts such as this, I'd say, look, this is, you know, this is going
2 to be an uphill battle. You bought the house as a three-family house,
3 and you knew that it was a three-family house. But they did think
4 that they were going to be able to make it work, and if it wasn't
5 for their -- for their special mission and the fact that they are
6 not looking to make a profit, if it was a private individual, they
7 would certainly be seeking to make more money, and they would be able
8 to make more money here.

9 You know, variances run with the land, we're all aware of that.
10 One thing that this Board can take comfort in is that since 1982,
11 when United Cerebral Palsy Association purchased its first house for
12 this purpose, they've never sold one. They always hold them, and
13 they continue to maintain them and operate them. So I think that
14 the Board can take some good comfort in that. You know, the
15 neighborhood is a really nice mixed neighborhood. It's close to Main
16 Street, it abuts a commercial property to the -- I'll turn it around,
17 to the north, and that's zoned Business-B. There is one-family homes
18 and two-family homes, many of which are also nonconforming because
19 they're on a substandard lot. It's across the street from the -- from
20 a museum, the Polish-American Museum on Bellevue Avenue.

21 So it's -- and reiterating that the use of the house really isn't
22 going to change. If they were to fill that first floor apartment,
23 which they have found to be very, very challenging, with four
24 individuals, you're not going to have any more users, you're not going
25 to have any more traffic, you're not going to have any more impact
26 by splitting it into two separate apartments. We're not changing

1 the exterior of the building, we're not doing any additions. It's
2 really just putting the condition back to what it was almost
3 immediately before they purchased it.

4 MEMBER GOODSSELL: Can I ask if the original Certificate of
5 Occupancy and the amended, which was in 2015, are part of the record
6 that you've submitted? I don't see it.

7 MS. DEEGAN DICKSON: I don't know.
8 No, they are not.

9 MEMBER GOODSSELL: All right.

10 MS. DEEGAN DICKSON: But we can --

11 MEMBER GOODSSELL: I'm aware that they're public record.

12 MS. DEEGAN DICKSON: Yes.

13 MEMBER GOODSSELL: But I didn't see them as part of your
14 application.

15 MS. DEEGAN DICKSON: Yeah, typically, that's not one of the
16 deliverables for it, and we probably -- we did a FOIL request for
17 the property. I'm not sure that we received everything that we were
18 looking for.

19 MEMBER GOODSSELL: Okay.

20 MS. DEEGAN DICKSON: But we can -- we can submit those.

21 (WHEREUPON, there was an off-the-record discussion.)

22 MS. DEEGAN DICKSON: So I do have Mr. Lowry here if there are
23 other questions on the operations. We understand that this is a,
24 you know, a use variance, a challenging application, but we believe
25 that the circumstances are unique, unique to the property, because
26 of the circumstances of being constructed as a four-family and being

1 converted to a three-family. The mission of United Cerebral Palsy,
2 which I think is also very unique, you know, and to that end, I'd
3 like to offer, if it makes the Board more comfortable, a condition
4 where there would be a covenant placed on the property that if it
5 was sold to a for profit entity that it would have to revert to a
6 three-family or come back before this Board for a use variance.

7 MEMBER GOODSSELL: Does United Cerebral Palsy also screen for
8 their other properties that they hold?

9 MS. DEEGAN DICKSON: Yes, yes.

10 MEMBER GOODSSELL: The other properties, are any of them in the
11 Town of North Hempstead; do you know?

12 MS. DEEGAN DICKSON: I don't know. Do you know?

13 MR. LOWRY: No, I don't believe so.

14 MEMBER GOODSSELL: So this is the first one -- the only one in
15 the Town of North Hempstead.

16 MS. DEEGAN DICKSON: To my understanding, yeah.

17 MEMBER GOODSSELL: The model of having fair market value
18 apartments subsidizing the disabled apartments have been used by
19 United Cerebral Palsy before?

20 MR. LOWRY: Yeah, we use that in a location in Baldwin. Oh,
21 I'm sorry.

22 CHAIRMAN MAMMINA: Sir, why don't you come on back, yes.

23 MR. LOWRY: Yeah, we've had these also in the past and the
24 present at a location in Baldwin. A lot of our current homes are
25 congregate homes, so there are six or seven individuals in one house,
26 not a model like this in the houses that are funded per person from

1 OPWDD and has 24 hour support staff around the clock in the house.

2 So its funded in a different manner than a home like the one
3 here on Belleview or the one in Baldwin. But any home we've owned,
4 and we've owned a couple in the past, too, that we still have that -- we
5 don't sell them. They're there for a purpose, and that purpose is
6 to always have a place where a person with a developmental disability
7 who might not otherwise be able to live as independently as they
8 possibly could would be able to do without services, independent
9 residences operated by CPS or agencies like that.

10 MEMBER GOODSSELL: How many homes would you say CPA owns?

11 MR. LOWERY: In Nassau -- we just do Nassau County, and we
12 operate, right now, 16 homes. Plus a very large facility in --

13 CHAIRMAN MAMMINA: I'm sorry, just for the record, OPWDD, can
14 you just put onto the record what that is an acronym for.

15 MR. LOWRY: Oh, Office for People with Developmental
16 Disabilities.

17 MS. DEEGAN DICKSON: It's a New York State agency.

18 CHAIRMAN MAMMINA: Sure.

19 MR. LOWRY: Yeah, it's a --

20 CHAIRMAN MAMMINA: I know it well.

21 MR. LOWRY: Oh, okay.

22 CHAIRMAN MAMMINA: Just for the record.

23 MR. LOWRY: Yeah, yeah, so generally speaking, they're our
24 major funder.

25 CHAIRMAN MAMMINA: Okay, thank you.

26 MR. LOWRY: Thank you.

1 MS. DEEGAN DICKSON: So unless you have any other questions.

2 (WHEREUPON, there was an off-the-record discussion.)

3 MEMBER GOODSSELL: The original Certificate of Occupancy from
4 1960 and taking a look at the amended Certificate of Occupancy, I'm
5 going to guess it's going to tell you that the seller did that in
6 order to sell this property because something came up. But again,
7 that's just pure speculation.

8 MS. DEEGAN DICKSON: Right.

9 MEMBER GOODSSELL: The current proposal, with use for disabled
10 persons, really has no bearing on how I feel about the original
11 Certificate of Occupancy or the amended documents, but I do think
12 that they are important.

13 So Mr. Chairman, if we could -- if there's no other material
14 to be presented, I'd like to continue or reserve.

15 CHAIRMAN MAMMINA: We can continue because we are asking for --

16 MS. DEEGAN DICKSON: Yes, we'll get those.

17 ATTORNEY ALGIOS: What documents?

18 MEMBER GOODSSELL: The Certificate of Occupancy from 1960 on the
19 house, and the amended Certificate from 2015 showing a three-family
20 house which is interesting to me why the town would do that unless
21 the zoning changed, the use changed, something changed.

22 SECRETARY WAGNER: I think the use changed. I think that the
23 people who owned the building before --

24 MEMBER GOODSSELL: Probably private.

25 SECRETARY WAGNER: -- applied to have it changed to a
26 three-family.

1 MS. DEEGAN DICKSON: If they were using it as a single unit on
2 the first floor and because it's a nonconforming use, once you start
3 using it in that manner, you'll lose your four-family automatically.
4 So it's possible, and again, pure speculation, that maybe they took
5 down the walls and somebody noticed, and said, hey, you've been doing
6 this for more than a year, now you're no longer a four-family. That's
7 a possibility, too.

8 MEMBER GOODSSELL: Possibly.

9 MS. DEEGAN DICKSON: So we don't have that information. I will
10 see what we can dig up that might add a little bit more, but --

11 MEMBER GOODSSELL: And it's just the two Certificates.

12 MS. DEEGAN DICKSON: Okay, very good.

13 Well, thank you, very much. It's nice to be out of here
14 before --

15 CHAIRMAN MAMMINA: We'll continue the application and
16 appreciate the presentation.

17 MS. DEEGAN DICKSON: Thank you.

18 (WHEREUPON, this application was continued.)

1 CHAIRMAN MAMMINA: Mr. Tumbarello, please call the next case.

2 MR. TUMBARELLO: The next case is appeal number 21653, Ryan and
3 Maureen Grosdidier; 39 Sandy Hollow Road, Port Washington; Section
4 5, Block 160, Lot 36; zoned Residence-C.

5 Variances -- variance from 70-49.C to construct additions to
6 a dwelling that make the home too big.

7 CHAIRMAN MAMMINA: You heard appeal number 21653, Ryan and
8 Maureen Grosdidier.

9 Is there anybody here interested in the application other than
10 the applicant?

11 (WHEREUPON, there was no response.)

12 CHAIRMAN MAMMINA: Seeing no one.

13 Please give your name and address.

14 MS. GROSDIDIER: Maureen Grosdidier, I live at 39 Sandy Hollow
15 Road.

16 Good morning, everyone.

17 CHAIRMAN MAMMINA: Good morning.

18 MS. MILLER: And I'm Janice Miller, 2 Lincoln Place, Port
19 Washington.

20 CHAIRMAN MAMMINA: Good morning, again.

21 MS. MILLER: Good morning, again.

22 We're here because the Grosdidiers have a split-level home built
23 in 1956 on Sandy Hollow Road in Port Washington which is a Residence-C
24 District.

25 So the maximum gross floor area they can have is 2,800 square
26 feet. Their intention is to build a new bedroom, primary bedroom

1 and bathroom above the kitchen and dining room area of the split which
2 has been done many times in this neighborhood, and when we total up
3 the square footage, we are 68 square feet over the maximum allowable,
4 and there isn't any wiggle room in that because we would be building
5 over particular parts of this house that have foundation, and this
6 section of the living room and dining room that has a flat ceiling.

7 So it ends up being 502 square feet, and I tried to minimize
8 this to the extent that I could, but that's basically what it is
9 because they want to add -- they want to -- the dining room and kitchen
10 don't align right now, and they would like to add the 51 square feet
11 on the first floor to align them and build over it.

12 MEMBER DONATELLI: So am I correct in assuming that you will
13 be building over the existing foundation, the existing footings, and
14 that you're just going to be building straight vertically and not
15 expand the footprint.

16 MS. MILLER: There's a little caveat. The kitchen addition at
17 the back, which is existing in these split-levels, actually doesn't
18 have a foundation. It has a pier.

19 (WHEREUPON, there was an off-the-record discussion.)

20 MRMBER DONATELLI: Please continue.

21 MS. MILLER: It's not built properly. It has a pier, it doesn't
22 have a foundation, the kitchen bump-out. So we're going to -- we
23 would like to remedy that because we're building a second floor,
24 planning to build a second floor above it. So yes, it's not changing
25 but we are going to remedy it.

26 MEMBER DONATELLI: You're squaring it out.

1 MS. MILLER: Yes, and building a real foundation.

2 MEMBER DONATELLI: I'm very well familiar with the area. I
3 know Sandy Hollow Road, probably most people in Port Washington do.
4 Two percent, 68 square feet, is not a huge, huge demand. We do try
5 to foster compliance where we can with the code. We're not in the
6 business of doing -- substituting our judgment for what the Town Board
7 has said the code should be.

8 On the other hand, we try to be mindful of situations where we
9 have compliance just for the sake of compliance, and then lead to
10 something that is less attractive than it might otherwise have been
11 if something were squared out. So this is part of the weight
12 factor -- weighing factor that we have to really examine.

13 I really have no further questions.

14 Do any of the other Board members have questions?

15 CHAIRMAN MAMMINA: Yes, that I would add on to is that the
16 addition is completely in the back of the house, and it really doesn't
17 impose on the neighbor any more significantly than it would already.
18 So there's almost a certain logic to, you know, to that, and while
19 this is not truly the test of a variance, the way look that I like
20 to look at things sometimes is that's a sheet and a half of plywood
21 in that area. So its impact is something that we do look at on that,
22 but as you said, and we'll repeat only because I think it's important
23 for the record, we do look at these very, very carefully to see them
24 in such a way that the impact, you know, is not there because that's
25 what the Town Board had put in there.

26 I'm sorry.

1 MEMBER GOODSSELL: That's okay, and there are -- there are no
2 setback issues --

3 MS. MILLER: No.

4 MEMBER GOODSSELL: -- with respect to this.

5 MS. MILLER: No, no, and this problem comes up again and again
6 with split-level homes.

7 MEMBER GOODSSELL: It does.

8 MS. MILLER: Because of the way you count the square footage.
9 It's not necessarily a huge home by any respect, but it's that lower
10 level that's counting that's a problem.

11 MEMBER GOODSSELL: You're limited on a split to what you can do
12 to expand.

13 MS. MILLER: It's difficult, yeah.

14 MEMBER DONATELLI: There are homes on Sandy Hollow that are --

15 MS. MILLER: Yeah, and I have gotten a variance for a few of
16 them.

17 MEMBER DONATELLI: So, if there are no other questions,
18 Mr. Chairman, I make a motion that we grant the application.

19 CHAIRMAN MAMMINA: We have a motion from Member Donatelli.
20 Do we have a second?

21 MEMBER GOODSSELL: I'll second.

22 CHAIRMAN MAMMINA: Seconded by Member Goodsell.
23 Please poll the Board.

24 (WHEREUPON, there was a unanimous, affirmative vote of the Board
25 members present.)

26 CHAIRMAN MAMMINA: Application is granted.

1 MS. MILLER: Thank you, so much.

2 (WHEREUPON, this application was granted.)

1 CHAIRMAN MAMMINA: Please call the next case.

2 MR. TUMBARELLO: The next case is Malai Aziz; 97 Robby Lane,
3 New Hyde Park; Section 8, Block 255, Lot 29; zoned Residence-A.

4 Variance from §70-100.2(A)(2) to legalize fencing located in
5 a front yard which is not permitted.

6 CHAIRMAN MAMMINA: You heard appeal number 21655, Malai Aziz.

7 Is there anyone in the room interested in the application other
8 that the applicant?

9 (WHEREUPON, there was no response.)

10 CHAIRMAN MAMMINA: Seeing no one.

11 Please give your name and address.

12 MR. AZIZ: David Aziz, 34 Duke Drive, Manhasset Hills, New York.
13 I'm with my aunt, Malai Aziz, 97 Robby Lane, Manhasset Hills, New
14 York. I'm just here to assist as well. She -- English isn't her
15 first language.

16 CHAIRMAN MAMMINA: Sure, that's fine.

17 MR. AZIZ: Yeah, the fence in question is actually not
18 self-inflicted. The building inspector came in and saw that we had
19 a retaining wall on the property towards the front. It's about 15
20 feet or so, and there's about a 3 or 4-foot drop off, and he said,
21 it's a little dangerous. He recommended that we put a little fence
22 up there which we agreed with. She has grandchildren that she
23 watches, so she was worried about them falling over, so we put it
24 in for safety purposes, but it's now encroaching a little bit on the
25 front yard, and we're just asking for relief for the front yard
26 setback.

1 MEMBER GOODSSELL: In my mind, and I looked at your property,
2 in my mind, this is more of a guardrail than it is a fence.

3 MR. AZIZ: Mm-hmm.

4 MEMBER GOODSSELL: It is -- tell me how high it is.

5 MR. AZIZ: The fence is about 3 feet?

6 MS. AZIZ: Yes.

7 MR. AZIZ: Yeah, 3 feet on top of the retaining wall, which is
8 another --

9 MEMBER GOODSSELL: That's your retaining wall.

10 MR. AZIZ: That's our retaining wall, correct.

11 MEMBER GOODSSELL: Okay, and the fence itself does not enclose
12 anything, that's why I'm calling it a guardrail. The fence, or the
13 railing that you have erected is only one side, it's not four sides.

14 MR. AZIZ: No, it doesn't come towards the --

15 MEMBER GOODSSELL: It's not enclosing any part of the front yard.

16 MR. AZIZ: No, it doesn't come around the front. Just on the
17 left-hand side of the house.

18 MEMBER GOODSSELL: It matches what you have in the front of the
19 house which is a guardrail around the most unusual front steps I have
20 seen in a very long time, unique in the neighborhood, I would say,
21 but Mr. Chairman, this fence, as it is characterized, really does
22 operate more in the nature of a guardrail which we do allow in order
23 to prevent anyone, the gardeners, for example --

24 MR. AZIZ: Yeah.

25 MEMBER GOODSSELL: -- from falling off the retaining wall,
26 backing up, not paying attention.

1 MR. AZIZ: Yeah.

2 MEMBER GOODSSELL: It is not meant to enclose any part of the
3 front yard. It does project closer to the street, as you say, a slight
4 amount, rather than all the way out to the front sidewalk.

5 MR. AZIZ: Correct.

6 MEMBER GOODSSELL: Do you know what the amount is that projects
7 further from the house?

8 MR. AZIZ: I would say about 10 to 15 feet but that's where the
9 retaining wall ends. If you see it from the opposite side, you'll
10 see that that's where it ends, and then it turns to grass.

11 MEMBER DONATELLI: Your survey indicates that it's 17 feet --

12 MR. AZIZ: Okay.

13 MEMBER DONATELLI: -- from the front building line.

14 What is the drop on the front lawn behind the fence and in front
15 of the fence from your retaining wall?

16 MR. AZIZ: The drop to the neighbor's property?

17 MEMBER DONATELLI: Yes.

18 MR. AZIZ: It's kind of tiered. So the first drop is about 3
19 feet, and then it goes up to 4 feet.

20 MEMBER DONATELLI: Okay.

21 MR. AZIZ: So it's like a two step.

22 MEMBER DONATELLI: Okay. So it's a considerable drop.

23 MR. AZIZ: Yeah.

24 MEMBER DONATELLI: If somebody were to fall off the lawn, they
25 would probably be injured.

26 MR. AZIZ: Possibly, yes.

1 MEMBER DONATELLI: Without -- in the absence of this guardrail
2 or fence.

3 MR. AZIZ: Of course.

4 MEMBER DONATELLI: And how long has that been there?

5 MS. AZIZ: Two years.

6 MEMBER DONATELLI: I'm sorry?

7 MR. AZIZ: Two years.

8 MEMBER DONATELLI: Two years.

9 MS. AZIZ: We built the house, so under construction, so we put
10 the fence around the house in the backyard. So we just decided to
11 put the fence because of the kids for playing, and we are too far
12 from the neighbor, so the retaining wall is too high. So we decided
13 to put the fence like --

14 MR. AZIZ: It was recommended --

15 MS. AZIZ: Yeah, by --

16 MR. AZIZ: -- by the building inspector.

17 MS. AZIZ: He said, you can put the fence because of the kids,
18 grandkids was playing and fall down on the ground, so --

19 MEMBER GOODSSELL: That's why you're here in front of us. They
20 can't actually gave you permission --

21 MR. AZIZ: Yeah.

22 MEMBER GOODSSELL: -- but they can recommend.

23 MS. AZIZ: Mm-hmm.

24 MEMBER GOODSSELL: And I agree that for safety reasons,
25 Mr. Chairman, I don't have any objection to it.

26 CHAIRMAN MAMMINA: Can I ask one question?

1 MR. AZIZ: Yes.

2 CHAIRMAN MAMMINA: It's setback 22 1/2 feet from Robby Lane.

3 MEMBER DONATELLI: Yeah.

4 MEMBER HERNANDEZ: The fence is not there to separate your house
5 from the neighbor.

6 MR. AZIZ: No.

7 MEMBER HERNANDEZ: Were they on the same level?

8 MR. AZIZ: Yeah.

9 MEMBER HERNANDEZ: It's there because of the difference in
10 grade.

11 MS. AZIZ: Yes.

12 MR. AZIZ: Correct.

13 MS. AZIZ: Yes.

14 MEMBER HERNANDEZ: For safety so no one can fall from your
15 property onto your neighbor's property.

16 MS. AZIZ: Yes, yes.

17 MR. AZIZ: Correct.

18 MS. AZIZ: That's the reason.

19 MEMBER HERNANDEZ: Just for clarity.

20 MS. AZIZ: Yes.

21 MEMBER DONATELLI: And it's also an estate fence so it's not
22 visually very impactful. It's not like a white vinyl fence --

23 MR. AZIZ: No, no, it's not. You can see right through it.

24 MEMBER DONATELLI: -- that you can't see through. You can see
25 through this.

26 MR. AZIZ: Correct.

1 MEMBER GOODSSELL: Mr. Chairman, if nobody has any further
2 questions, I would make a motion that we grant the application.

3 CHAIRMAN MAMMINA: We have a motion from Member Goodsell.
4 Do we have a second?

5 MEMBER HERNANDEZ: Second.

6 MEMBER DONATELLI: Second.

7 CHAIRMAN MAMMINA: Second from Member Hernandez.

8 Please poll the Board.

9 (WHEREUPON, there was a unanimous, affirmative vote of the Board
10 members present.)

11 CHAIRMAN MAMMINA: The application is granted.

12 MR. AZIZ: Thank you, so much.

13 MS. AZIZ: Thank you, so much.

14 (WHEREUPON, this application was granted.)

1 CHAIRMAN MAMMINA: Please call the next case.

2 MR. TUMBARELLO: The next appeal is appeal number 21656, Magdy
3 and Amal Soliman; 567 Mineola Avenue, Carle Place; Section 10, Block
4 31, Lot 64; zoned Residence-C.

5 Variances from §70-100.2(A)(4)(b) and 70-100.2(A)(4) to
6 construct fencing that is too tall.

7 CHAIRMAN MAMMINA: You heard appeal number 21656, Magdy and
8 Amal Soliman.

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

11 (WHEREUPON, there was no response.)

12 CHAIRMAN MAMMINA: Seeing no one.

13 Please give your name and address.

14 MR. SOLIMAN: Joshua Soliman, 567 Mineola Avenue in Carle
15 Place.

16 CHAIRMAN MAMMINA: All right.

17 MR. SOLIMAN: So thank you for hearing this.

18 We're asking for a 6-foot fence around the perimeter of the house
19 for safety and privacy concerns related to the commercial properties
20 across the street. I submitted pictures of the plastic factory, we
21 have a plumber, water district, air-conditioning company, all across
22 the street, and in addition, the Carle Place train station is right
23 across the street. So there's a lot of foot traffic, there's a lot
24 of trucks, noise, workers, delivery drivers, coming in and out
25 constantly throughout the day.

26 So we're asking for a 6-foot fence to limit visibility in and

1 out to help with privacy for the home.

2 MEMBER GOODSELL: When was this house built or renovated? It
3 looks very new.

4 MR. SOLIMAN: It's brand new. We moved in November 26th of
5 2024. So we just got the CO November.

6 CHAIRMAN MAMMINA: That had been an empty house for a while.

7 MR. SOLIMAN: Mm-hmm, yeah, we did a lot line adjustment to
8 create the empty lot.

9 CHAIRMAN MAMMINA: I'm a Carle Place person, and I have lived
10 there for 43 years over by where the school is, and I'm also a runner,
11 so I run down Mineola Avenue constantly. Post Avenue first, coming
12 around.

13 MR. SOLIMAN: Mm-hmm.

14 CHAIRMAN MAMMINA: And normally, as just one Board member, I
15 would say there's no way we're approving a 6-foot fence, you know,
16 facing, you know, you're facing the street, you know, and you know,
17 as soon as I saw that it was Mineola Avenue, that is so unique because
18 you're calling them commercial uses but they're industrial uses,
19 especially the plastics factory, you know, you know, that's in there.
20 I forget what the guy on the corner, you know, is there, and then,
21 yes, you have the, you know, the Mineola -- the train station from
22 Carle Place that then is right at the -- that is right at the corner.

23 One of the things, also, that I noticed, which I hadn't noticed
24 before is that the area up to Stonehinge Lane has a 6-foot fence,
25 you know, down almost the entire, you know, part of that and probably
26 for the, you know, for the same reason.

1 As I had said a little bit earlier, I love history, and you know,
2 that sort of thing, and this whole part of Carle Place and into Mineola
3 developed when the Long Island Railroad came, you know, came in. I
4 can remember as a little boy growing up in Mineola, not far from Carle
5 Place at all, hearing the freight trains coming in at night. There
6 was no air-conditioning in those days, and even if there were, my
7 parents couldn't afford it, and you could just hear the choo-choo,
8 choo-choo, choo-choo, as the trains went by and a lot of these have
9 railroad sidings, you know, things I don't think are really being
10 used anymore, but while it's still, Carle Place is a wonderful place,
11 and --

12 MR. SOLIMAN: So yeah, I --

13 CHAIRMAN MAMMINA: This was kept pretty nicely, you know, but
14 this block is extremely unique.

15 MR. SOLIMAN: I grew up on the block. So I grew up next door
16 at 561.

17 CHAIRMAN MAMMINA: There you go.

18 MR. SOLIMAN: Born and raised in Carle Place, yeah. It's a very
19 unique block.

20 CHAIRMAN MAMMINA: It's a very unique little town. I love it.

21 MEMBER DONATELLI: Certainly, when I went to inspect the
22 premises, I saw that there was a lot going on, and I understand your
23 desire for privacy and noise mitigation. The one thing that, you
24 know, we get many applicants, and I agree with the Chairman that this
25 is somewhat of a unique block. This is -- this is a lot going on
26 on the street. But I would caution you. One of the things that we

1 caution many of the applicants who come in is that a fence isn't really
2 going to keep out the noise.

3 MR. SOLIMAN: Mm-hmm.

4 MEMBER DONATELLI: There is nothing better than vegetation.

5 CHAIRMAN MAMMINA: I agree with that.

6 MEMBER DONATELLI: You know, the -- if you're looking for
7 privacy, yeah, this may stop somebody from looking into your yard
8 or may stop you from looking outside and seeing a plastics factory
9 across the street, but it won't do much to stop the noise.

10 MR. SOLIMAN: Mm-hmm.

11 MEMBER DONATELLI: So while I do see that there's some special
12 circumstances here, I would think it might be appropriate to at least
13 mitigate the noise somewhat and maybe the visual impact of a 6-foot
14 fence by planting some vegetation in front of the fence to mitigate
15 visual impact of the fence from the street.

16 CHAIRMAN MAMMINA: I agree 100 percent with that, and I thought
17 about that, you know, as well, because we frequently require
18 planting, you know, in front of -- in front of fences that are in
19 unique places, not unlike this, and an arborvitae in there. I know
20 for myself, I didn't have -- I didn't have that condition facing the
21 street, but the side property owner was a little obnoxious --

22 MR. SOLIMAN: Yeah.

23 CHAIRMAN MAMMINA: -- you know, on the side, and I put up
24 arborvitae, I mean, at this point, I don't remember how many years,
25 but boy, that stuff was 10 feet tall, and now it's just as high as
26 the landscapers can reach to trim it down, you know, you know, to

1 that, and there were very nice houses on the block. I mean, your
2 house is beautiful.

3 MR. SOLIMAN: Thank you.

4 CHAIRMAN MAMMINA: So I would suggest that --

5 MEMBER DONATELLI: As I look at the street view of your house
6 on Google Earth, I see that there's some pavement -- it looks like
7 the driveway extends beyond the garage. Beyond the front building
8 line of the garage.

9 MR. SOLIMAN: Yeah, correct.

10 MEMBER DONATELLI: So are you going to be putting a fence from
11 your side yard lot line all the way to the house cutting off the
12 driveway?

13 MR. SOLIMAN: Yes, the extra little patch that's there was for
14 garbage cans.

15 MEMBER DONATELLI: I'm sorry?

16 MR. SOLIMAN: The extra patch of blacktop, that was -- we did
17 that for garbage cans. It will be behind the fence.

18 MEMBER DONATELLI: Okay.

19 MR. SOLIMAN: Yeah, our garbage is behind the fence. So we
20 would do it, you know, sorry, my words. So we would do it on the
21 same level as the house.

22 MEMBER GOODSSELL: That's what the code requires.

23 MR. SOLIMAN: Correct, that's the plan.

24 MEMBER GOODSSELL: Further into the front yard than the front
25 of the house.

26 MR. SOLIMAN: Correct.

1 MEMBER DONATELLI: Will the fence have a gate at that point?

2 MR. SOLIMAN: Yes, it will have a gate there.

3 MEMBER DONATELLI: So you'll need that just for your garbage
4 cans and this and that. So what I would -- what I would suggest then
5 is, if we were to grant this that we could grant the fence as you're
6 facing the house on the right side where there is no blacktop, to
7 put plantings in front of that, 6-foot tall arborvitae or some other
8 such --

9 MEMBER HERNANDEZ: Evergreen.

10 MEMBER DONATELLI: -- evergreen that might mitigate the visual
11 impact, and there would be nothing on the left side because if you're
12 going to put a gate there, and you're going to use that for trash
13 cans, then --

14 MEMBER HERNANDEZ: It's blacktop.

15 MEMBER DONATELLI: -- it would be --

16 MEMBER HERNANDEZ: It's blacktop.

17 MEMBER DONATELLI: Yeah, it would -- yeah. So that would be
18 my suggestion, and it mitigates noise. Well, the arborvitae will,
19 the garbage cans won't.

20 MR. SOLIMAN: Yeah, I think, yeah, I think it's definitely the
21 foot traffic more than the noise, but I agree completely. We did
22 want to put a gate on the other side. I don't know if that's still
23 possible.

24 MEMBER DONATELLI: Well, as I look at the plans, it shows the
25 gate -- oh, it shows the gate on both.

26 MEMBER GOODSSELL: It shows the gate on both sides, yes.

1 MEMBER DONATELLI: And that is -- what is the distance to the
2 side yard lot line on the other side?

3 MR. SOLIMAN: To the side yard lot line. So the house sits,
4 oh, my gosh --

5 MEMBER DONATELLI: Yeah.

6 MR. SOLIMAN: I want to say it's 8 1/2 on the left and 11 1/2
7 on the right because we have 20 feet in total.

8 (WHEREUPON, there was an off-the-record discussion.)

9 MR. SOLIMAN: This house was quite the journey.

10 (WHEREUPON, there was an off-the-record discussion.)

11 MEMBER HERNANDEZ: The evergreens do not have to be right up
12 against the house. What we're trying to do is we're trying to
13 prevent -- you don't say what it is, but I assume it's a PVC fence
14 that you're planning on putting up.

15 MR. SOLIMAN: Yeah, white, kind of standard PVC fence.

16 MEMBER HERNANDEZ: So, right -- so you can put evergreens a
17 distance forward of the PVC fence, that way when someone walks by
18 or drives by, they don't see a PVC fence.

19 SECRETARY WAGNER: How many feet? We need to specify because
20 in the decision we have to specify.

21 MEMBER HERNANDEZ: Four feet.

22 MEMBER GOODSSELL: So you can't exactly plant arborvitae if
23 you're going to have a gate. What are you going to do, crawl between
24 the trees? So we're trying to figure out how you could plant greenery
25 and still have a gate over there, and I just want to point out for
26 the record that this is not a corner house, this is -- were it not

1 for the industrial section across the street, we would not normally
2 grant this.

3 CHAIRMAN MAMMINA: Yeah, I said that in the beginning. Just
4 saying 6-foot fences generally are -- almost say forget about it.

5 MR. SOLIMAN: Yeah, we wouldn't have even bothered to ask if
6 it wasn't for the train station and the factory.

7 CHAIRMAN MAMMINA: Yeah, but we've granted them, you know, in
8 conditions where it's justified, but I think it's a great idea to
9 move that forward, you know, and you know, then your gate could be
10 there still, it would open, you know, and essentially, you're
11 extending your side yard on the two sides, you know.

12 MEMBER DONATELLI: Or the other alternative might be, and this
13 is really up to you. We're trying to mitigate the visual impact.
14 The other alternative might be that you just have one gate on the
15 one side where the driveway is, and then you can do so the plantings
16 on the other side. You know how you best use your property, you know
17 how you're best trying to accomplish your goal. We need to figure
18 out how we mitigate --

19 MR. SOLIMAN: Understood.

20 MEMBER DONATELLI: -- the visual impact.

21 MEMBER GOODSSELL: Do you have a suggestion? Have you heard our
22 concerns about what you could do? How could you make the right side
23 of the house green so we don't see the fence and still have a fence
24 and gate.

25 MR. SOLIMAN: Yeah, I'll be honest, I was just going to ask you,
26 when can I make the decision? We just moved in, we didn't make the

1 landscaping plan or anything. So we're probably not going to do that
2 till the spring. So I don't know kind of what the --

3 CHAIRMAN MAMMINA: I think we would impose that as a condition,
4 but you know, and then however you do it, you know, would be -- would
5 be up to you. In the end, honestly, I think you'll say, boy, that
6 was a great idea.

7 MEMBER DONATELLI: Right.

8 CHAIRMAN MAMMINA: Yeah, and --

9 MEMBER DONATELLI: I think it will be a plus for you. So --

10 MR. SOLIMAN: What we --

11 MEMBER HERNANDEZ: You have 32 feet in the front of your house
12 between your house and the curb.

13 MR. SOLIMAN: Yeah.

14 MEMBER HERNANDEZ: So I, again, I'll just throw a number out
15 there, like, you know, move the -- put the fence parallel to the house;
16 right? Where the house ends, but then do the planting like 6 feet
17 in front of it so that you can get around the plantings to get to
18 your actual gate. But yet, if someone's walking in front of the
19 house, all they see is the plantings, they're not going to see your
20 fence.

21 MR. SOLIMAN: How high do the plantings have to be?

22 MEMBER HERNANDEZ: Well, eventually, they will grow to
23 be -- eventually, they will grow to be as high as your covered fence,
24 but it needs to cover the fence.

25 MR. SOLIMAN: Cover the entire fence.

26 CHAIRMAN MAMMINA: They would start at 6 feet, generally. So

1 you can run down to Home Depot, I mean, I wouldn't suggest you do
2 it yourself, I'm making a joke, you know, and they're 6-foot
3 arborvitae, you probably need --

4 MEMBER HERNANDEZ: There are 6-foot arborvitae that are really
5 more like 5 feet because the 6-foot is --

6 MR. SOLIMAN: Right.

7 MEMBER HERNANDEZ: -- okay? So more like 5 feet and then narrow
8 at the top. So you will see in the beginning, you will see the top
9 of your fence, no doubt about it. Three years down the road, you
10 won't see your fence.

11 MEMBER GOODSSELL: Part of this is because you're asking us for
12 a 6-foot. Are you familiar with the fence code of the Town of North
13 Hempstead?

14 MR. SOLIMAN: I am.

15 MEMBER GOODSSELL: Okay. You have the right to put a 4-foot
16 fence there.

17 MR. SOLIMAN: Right.

18 MEMBER GOODSSELL: Without screening, without plantings.

19 MR. SOLIMAN: Okay.

20 MEMBER GOODSSELL: Four foot, 5-foot on the side, 6-foot in the
21 rear. So --

22 MR. SOLIMAN: Mm-hmm.

23 MEMBER GOODSSELL: -- you're asking us for a 6-foot in the front
24 which is why we are trying to work through how you could do that.

25 MR. SOLIMAN: I understand.

26 MEMBER GOODSSELL: Okay, but you do understand you have the right

1 to put a 4-foot PVC fence with no plantings at all.

2 MR. SOLIMAN: I understand.

3 CHAIRMAN MAMMINA: I think it should be worded in the decision
4 to give him the option, whichever way he wants to do it when he's
5 ready, then to --

6 MEMBER GOODSSELL: And I absolutely agree. Today is not the day
7 to do landscaping.

8 MR. SOLIMAN: Yeah.

9 MEMBER GOODSSELL: No one will plant anything today.

10 MEMBER DONATELLI: When it's 15 degrees outside.

11 MEMBER GOODSSELL: Right.

12 MR. SOLIMAN: So --

13 MEMBER DONATELLI: So what I would suggest is that because we
14 are not horticultural engineers that the applicant has indicated that
15 he is going to do some plantings on the house come springtime --

16 MR. SOLIMAN: Mm-hmm.

17 MEMBER DONATELLI: -- when we hope it won't be 15 degrees
18 outside, and so we give the applicant the option of either electing
19 to -- well, on the left-hand side, on the west side of the property,
20 that we grant the applicant the right to put in a 6-foot fence along
21 the front building line and along the side yard lot line, and on the
22 east side of the property that we give the applicant either the right
23 to install a fence where it is located and to plant arborvitae. I
24 would suggest, if the applicant is going to have a gate there, to
25 plant arborvitae perhaps 5 feet in front of the fence or just in front
26 of the fence if the applicant chooses not to have a gate in that

1 location, and that we also grant a 6-foot fence to go on the easterly
2 lot line.

3 MR. SOLIMAN: Mm-hmm.

4 CHAIRMAN MAMMINA: Basically, you're getting what you're
5 asking for.

6 MR. SOLIMAN: I understand.

7 CHAIRMAN MAMMINA: And then you'll figure --

8 MR. SOLIMAN: Right.

9 CHAIRMAN MAMMINA: -- that part out. I want to make sure that's
10 clear, in fairness to you, that it's clear.

11 MR. SOLIMAN: I understand, thank you.

12 MEMBER DONATELLI: And to give you, really, the option with your
13 planting engineer to figure out exactly which way you want to go.

14 MR. SOLIMAN: Okay.

15 (WHEREUPON, there was an off-the-record discussion.)

16 CHAIRMAN MAMMINA: All right, so we'll make a motion then.

17 MEMBER DONATELLI: I make that motion.

18 MEMBER HERNANDEZ: I will second that.

19 CHAIRMAN MAMMINA: Okay, we have a motion by Member Donatelli,
20 seconded by Member Hernandez, and please poll the Board.

21 (WHEREUPON, there was a unanimous, affirmative vote of the Board
22 members present.)

23 CHAIRMAN MAMMINA: Your application is granted.

24 MR. SOLIMAN: Thank you, thank you, so much.

25 CHAIRMAN MAMMINA: I know you know Carle Place but I wish you
26 wonderful years there.

1 MR. SOLIMAN: Thank you.

2 CHAIRMAN MAMMINA: My wife and I have lived there for many
3 decades.

4 MR. SOLIMAN: Thank you, so much.

5 (WHEREUPON, this application was granted.)

1 SECRETARY WAGNER: Appeal number 21657, William and Elizabeth
2 Palmer; 33 10th Street, Carle Place; Section 10, Block 265, Lot 16,
3 in the Residence-B Zoning District.

4 Variances from §70-40(C), 70-101(B) to construct a one-story
5 addition and portico too close to the front property line.

6 CHAIRMAN MAMMINA: You heard appeal number 21657, William and
7 Elizabeth Palmer.

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

10 (WHEREUPON, there was no response.)

11 CHAIRMAN MAMMINA: Seeing no one.

12 Please give your name and address.

13 MR. PALMER: Yes, good morning. My name is William Palmer, 33
14 10th Street. This is my wife, Elizabeth, and we're looking to expand
15 our kitchen.

16 CHAIRMAN MAMMINA: Good morning.

17 MR. PALMER: Good morning.

18 MR. KOUTSOUMBIS: Good morning, members of the Board. My name
19 is Dean Koutsoumbis, my address is 121 Newbridge Road, Hicksville,
20 New York 11801. I've been working with the Palmers.

21 We're seeking variances to add a front addition to their house.
22 The variance is for average setback. The average setback is 32.8
23 feet, and the existing house is located at 30.8 feet. So therefore,
24 the house itself encroaches into the average setback.

25 Our proposed addition is 27.8 feet, a 3-foot difference from
26 the original house, and a 5-foot encroachment from the average

1 setback. The proposed portico is proposed to be at 24.8 feet, where
2 27.8 feet is a permitted encroachment for a front open one-story
3 porch, a difference of 3 feet from the requirement.

4 The proposed kitchen addition or the proposed addition in total
5 is 3 feet by 18.04 feet. The kitchen portion is 10-foot 4 on the
6 inside, which is the existing length of the kitchen, and this 3-foot
7 bump-out was the minimum possible to give enough space inside the
8 kitchen to accommodate a table and make it an eat-in kitchen.
9 Currently, the kitchen is 10-foot 4 by 10 feet, and the kitchen will
10 expand to 10-foot 4 by 13 feet.

11 The front -- the entry portion is 6.5 feet on the inside. This
12 will create a small vestibule when you -- when entering the house
13 and provide a bench with some coat hooks, a place to get situated
14 when you enter the house. Currently, there is no entry vestibule,
15 and when walking in the front door, this leads you directly to the
16 dining room.

17 The portico on the exterior would be 3-foot off the house by
18 6-foot 7 wide. It would be a reverse gable supported by two columns.
19 There is no practical alternative other than asking for a variance
20 in creating this rather small expansion to the house.

21 I'd like to point out to the Board, and I did some research,
22 Mr. and Mrs. Palmer actually gave me a total of 11 houses in the
23 neighborhood that have similar front additions. Five of them
24 actually came for a variance, and I found one more that should have
25 come for a variance, but nonetheless, I have a total of six houses
26 that were approved with front yard additions which encroached on the

1 average setback requirements. The most substantial one was at 40
2 10th Street, which is diagonally across the street from the house.
3 The required setback was 34.9 feet, and it was approved by variance
4 at 12 point -- at 22.3 feet which is a 12.6 foot difference.

5 Others include, the next closest one is 28 10th Street, which
6 is also across the street like probably about three to four houses
7 down. The required setback was 30 feet, they came for a variance
8 and got approved at 26 feet, a 4-foot difference in variance.

9 MEMBER GOODSSELL: Mr. Koutsoumbis, is that listed property part
10 of your application?

11 MR. KOUTSOUMBIS: Okay, I'd like to submit the six properties
12 as precedence, and I can go through them one by one. I just have
13 a few more things to add to my presentation.

14 SECRETARY WAGNER: When you're listing these variances, would
15 you also list the appeal numbers and the date.

16 MR. KOUTSOUMBIS: Of course.

17 All right, so 40 8th Street is appeal -- appeal number 18707,
18 and the -- it's dated -- oh, I apologize, I take that back. Let's
19 go -- we'll start with the ones that I started with already. Forty
20 10th Street was the most closest to our property. The appeal number
21 is 17631, dated April 20th of 2005; the next one is 28 10th Street,
22 and it's appeal number 12253, dated September 29th of 1982; the next
23 one I'd like to present is 40 8th, also known as 42 8th Street. The
24 variance required there -- well, the average setback for that house
25 was 27 feet, and the provided was 20.6 feet. This was a full front
26 addition with a 6.4 foot encroachment into the average setback.

1 The -- this is appeal number 18707, dated October 7th, 2009. The
2 next one I'd like to present, 38 8th Street. There is -- this one
3 actually was approved without a variance but somehow or other the
4 plans show a setback of 25 feet, and the survey, the final survey,
5 shows us a setback of 23.7 to the roofed-over portion, and this is
6 approved on November 7th, 2005. I have the approved site plan with
7 those dimensions and the final survey.

8 I have another variance here on 45 11th Street, just around the
9 corner from the subject property. This is a corner house, and it
10 has setbacks on two directions, 30 feet -- 30-foot front yard setback
11 for a two-story addition and a 14-foot side or front yard on Peachtree
12 Lane for a two-story addition. I have the variance number is, the
13 appeal number is 16297, dated 10/6 of 1999. For this one,
14 unfortunately, I do not -- the FOIL request, I could not find
15 the -- what was -- I only found the actual, I don't know what the
16 required was. So there was no indication of how different we are
17 on the variance, and I have one more is 26 11th Street, and the appeal
18 number is 15899, dated January 7th, 1998. There's a front addition
19 on this house, a one-story front addition, located 25.5 feet from
20 the property line. This one, as well, the FOIL requests did not
21 include what was required versus what was proposed, they only showed
22 what was proposed, and they did show that a front yard variance was
23 granted.

24 MEMBER GOODSSELL: And what year was that?

25 MR. KOUTSOUMBIS: That was 1998. I have all the documents
26 along with photos of the house. I'd like to submit these houses,

1 I'd like to submit to the Board.

2 SECRETARY WAGNER: This will be Exhibit 1.

3 MR. KOUTSOUMBIS: To lessen any visual impact by this front yard
4 encroachment I'd like to point out that the subject property and many
5 other properties on this block have large trees which provide some
6 screening to the homes. In addition, there are no sidewalks in the
7 area. The grass goes right up to the curb, which gives the illusion
8 of larger front yards. So that, you know, that would help the
9 situation, make the house look more setback than it really is with
10 the point that there are no sidewalks.

11 There is no undesirable change in the character of the
12 neighborhood. There is -- this variance, you know, this could not
13 have been sought with other -- achieved by any other method other
14 than applying for a variance. This variance is not substantial, and
15 there is no adverse effect or impact to the physical or environmental
16 conditions of the neighborhood, and I'd also -- and to end my
17 presentation, this difficulty was not self-created as the work was
18 not done yet. This is 100 percent proposed.

19 CHAIRMAN MAMMINA: Well, it's only self-created because they
20 bought the property but that's okay.

21 MR. KOUTSOUMBIS: Okay.

22 CHAIRMAN MAMMINA: It's not in any way damning, you know, for
23 the application. Just for the record, you know, the -- that front
24 yard is a little deeper than what you have there just because of the
25 average front yard setback, but all of your testimony is accurate.
26 I know these houses very well, I run up 11th Street and back on my

1 five mile loop. My house is between 10th and 11th. So just up at
2 the corner and around are the Levitt colonials, and there my
3 brother-in-law and my sister-in-law have a house on Peachtree that's
4 similar to this one, and I think your point regarding the fact there
5 are no sidewalks in most of Carle Place, that certainly, you know,
6 helps.

7 My own feeling is that the interior of the house, while
8 Mr. Levitt created something that was extremely necessary for Long
9 Island, and really, these were the first tract houses on -- at least
10 in Nassau County, probably Suffolk as well, as I said, I like the
11 history, and this whole community, that little bit, however many
12 blocks you have in there, was kind of his test ground for a Levitt
13 slab on grade in the colonials that were built up in Roslyn, and
14 it -- when you look at those, when you walk into the house now, you're
15 more or less tripping on the steps that take you up to the second
16 floor, they're very compact. Also the kitchen is just too small,
17 you know, and 3 feet, you know, in there, so you can get a breakfast
18 table, you know, and things in there or a, you know, a small dining
19 area kind of a use.

20 We look at every variance very carefully, and you know, in this
21 case I think you made a good presentation, and certainly the character
22 of the neighborhood is that these are very common additions, you know,
23 onto these houses. It's only one-story, it's not two stories. The
24 portico itself, and please correct me if I'm wrong, is open on three
25 sides.

26 MS. PALMER: Correct. It's actually -- we currently have a

1 flat base for a home, and we have an identical portico that's been
2 very useful for deliverymen and our UPS man is wonderful. They
3 always put the packages there when we're not home so we'd like to
4 continue with that. It's fully open, it's just kind of a --

5 CHAIRMAN MAMMINA: Sure.

6 MS. PALMER: -- an overhang.

7 CHAIRMAN MAMMINA: My wife, for the Amazon man, would make it
8 four times bigger, but we all have our character flaws.

9 MEMBER DONATELLI: Well, now the Amazon man can open up your
10 garage door. That's what they're advertising. I don't know that
11 I would want that, but --

12 CHAIRMAN MAMMINA: Look, yeah, it's -- it clearly is within the
13 character of this neighborhood, the way this neighborhood has
14 developed, you know, since it was constructed. So that's just
15 my -- that's my feelings about the application.

16 MEMBER DONATELLI: I would agree with what the Chairman has
17 said. I would also say that, in my opinion, the reason why this is
18 such a common application with these homes is precisely to deal with
19 the issue with the front door being right as you enter and seeing
20 the steps right there. So that's something a great many people want
21 to address, and that's why this application and similar applications
22 have come before us.

23 CHAIRMAN MAMMINA: And just for my architectural self, I'd
24 swing the door the other way to come in because then you're seeing
25 that very nice -- if you took that bedroom out on the first floor,
26 I mean, all of the things that are very common issues to, you know,

1 or modifications to these houses that really make them wonderful.

2 So that's just my two cents, but --

3 MEMBER DONATELLI: Any other questions or comments from the
4 Board?

5 MEMBER GOODSSELL: No.

6 MEMBER HERNANDEZ: No questions.

7 MEMBER DONATELLI: Mr. Chairman, I make a motion that we grant
8 the application.

9 CHAIRMAN MAMMINA: Okay, we have a motion by Member Donatelli.
10 Do we have a second?

11 MEMBER GOODSSELL: I'll second.

12 CHAIRMAN MAMMINA: Seconded by Member Goodsell, and please poll
13 the Board.

14 (WHEREUPON, there was a unanimous, affirmative vote of the Board
15 members present.)

16 CHAIRMAN MAMMINA: The application is granted.

17 MS. PALMER: Thank you, very much.

18 CHAIRMAN MAMMINA: Thank you, very much, and you already know
19 that Carle Place is a wonderful place to live.

20 MS. PALMER: Run down 10th Street.

21 (WHEREUPON, this application was granted.)

1 SECRETARY WAGNER: Appeal number 21659, 10-14 Davis Avenue,
2 LLC; 14 Davis Avenue, Port Washington; Section 5, Block 132, Lot 567
3 in the Industrial-B Zoning District.

4 Variances from §70-212(B) and 70-192(B) to use a vacant lot for
5 an outdoor storage area which is located too close to a front and
6 rear property line.

7 CHAIRMAN MAMMINA: You heard appeal number 21659, 10-14 Davis
8 Avenue, LLC.

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

11 (WHEREUPON, there was no response.)

12 Seeing no one.

13 Please give your name and address.

14 MEMBER DONATELLI: Mr. Chairman, excuse me, before we begin,
15 I will be recusing myself, and so I'll remove myself and wait outside.

16 CHAIRMAN MAMMINA: Okay, let the record reflect that.

17 Good morning.

18 MR. SCLARE: Good morning to you all.

19 My name is Donald Sclare, S-C-L-A-R-E, I'm the architect for
20 the project, and I'll be doing the initial addressing. With me today
21 is John McBride who's the -- oh, there he is, snuck right up there,
22 he's the owner of the property and a masonry contractor who is hoping
23 to build his headquarters here.

24 But the reason for the appearance today is that Mr. McBride
25 bought the property and filed to put a fence around the property or
26 at least to complete the fence that was already on two sides of the

1 property, and we were told that the fence design that had been
2 submitted needed to have a setback because of the nature of the
3 property and the zoning. So we filed for that, and then the Building
4 Department said, oh, but wait a minute, this used to be a paved bus
5 parking lot, and we don't see any approvals for it, and so we'd first
6 like to have you file a maintain for the empty lot and would you also
7 please provide a plan that shows proper drainage for the -- right
8 now, there's simply a 12,000 square foot paved area with striping.

9 So as it turned out, so we provided the drainage, and they said,
10 and then they said, what are you going to be using the lot for before
11 you provide -- before you file for a building plan, why are you putting
12 a fence up, and we said, it's because we're putting -- we're using
13 it for the moment until Mr. McBride is ready to build the building.
14 We want to use it for storage for the masonry supplies that he was
15 moving out here because his yard in the city was taken over by the
16 city.

17 So the Building Department said, well, you're in -- you would
18 be in violation of Section 70-212(B) because the property, while
19 120-foot wide, is only 100 feet deep and to do outdoor storage, you
20 need to be setback 120 feet back from the street line. So we said,
21 we'd like to comply but it's a little difficult because it's only
22 a 100-foot. So we submitted the plan showing the proposed storage
23 that would be used until we build the building. We were limited to
24 15 percent coverage for storage. We showed how that would be laid
25 out, how there would be access. We showed how a new fence would have
26 it setback for the entrances so that we would comply with the zoning

1 ordinance, and we showed the proposed dry well locations.

2 CHAIRMAN MAMMINA: Mm-hmm.

3 MR. SCLARE: And so they said, well, okay, because
4 you're -- because you cannot comply with the 120-foot setback, we're
5 sending you the disapproval letter, and you may go to the Zoning
6 Board, and so here we are, and we would like -- we would like to get
7 a variance granted that would permit us to put up -- to use the lot
8 for storage even though the proportions are not compliant.

9 CHAIRMAN MAMMINA: That neighborhood, it's -- it has a little
10 different character. Do you have anything that establishes the
11 character of the neighborhood that would --

12 MR. SCLARE: We submitted the photographs. We have -- facing
13 the building to our right is a garage and the second building over
14 is Chief Graphix which is a big garage building with an open lot next
15 to it. To the left of our property is a couple of houses that were
16 left over in the Industrial-B District and across the street from
17 our site is another garage and the animal center, the --

18 MEMBER GOODSELL: North Shore Animal League.

19 MR. SCLARE: The North Shore Animal League, yes. So it's
20 a -- aside from the house that's directly to our left, it's clearly
21 an Industrial-B type area, and the building that we're proposed to
22 build would be clearly an Industrial-B building complying to all of
23 the -- all of the zoning requirements for that lot. We're just
24 looking here for a variance to allow the owner to utilize the site
25 in a way that would benefit his business while we're waiting to
26 finalize the building design and file it with the town.

1 CHAIRMAN MAMMINA: I'm not seeing the photos.

2 MR. SCLARE: You're not?

3 CHAIRMAN MAMMINA: I'm saying in what I have.

4 MR. SCLARE: Oh.

5 MEMBER HERNANDEZ: You mentioned storage of masonry products.

6 Can you describe for us what are the masonry --

7 MR. SCLARE: Well, he -- John, can you?

8 Just introduce yourself here.

9 MR. McBRIDE: Yeah, John McBride.

10 MEMBER HERNANDEZ: Microphone, please. We're being
11 televised.

12 MR. McBRIDE: Yeah, my name is John McBride, and the name of
13 the business is Drummond (phonetic), LLC.

14 So the storage, we're in business 30 years, we're a
15 subcontractor, we do the masonry work in concrete sidewalks. We do
16 some work here and in Garden City and for NYU and just looking to
17 store -- the material to be stored before I consider building the
18 office and the warehouse. It is like the CMU and palliative brick
19 and miscellaneous equipment, trailer, small truck, just daily use,
20 nothing paramount because we buy everything from supply yards and
21 everything's delivered to the job sites. So it is basically just
22 to maintain, keep the business going.

23 MEMBER HERNANDEZ: Okay, so you may have some concrete blocks
24 and things like that but you're not going to have sand --

25 MR. McBRIDE: No.

26 MEMBER HERNANDEZ: -- gravel and things like that.

1 MR. McBRIDE: No sand, gravel, and everything is on pallets,
2 everything has been moved, they won't be paramount.

3 MR. SCLARE: And they'll all be concealed by the fencing.

4 MR. McBRIDE: Yeah, they all will be concealed by the fence,
5 and then everything is shrink wrapped and everything, so --

6 MEMBER HERNANDEZ: So there won't be any dust flying around
7 because of the --

8 MR. McBRIDE: No, no, because I knew that when I bought the
9 property and through the codes and everything and what's allowed and
10 what's not allowed.

11 MEMBER HERNANDEZ: Right.

12 CHAIRMAN MAMMINA: So the forklifts are just left there
13 outside?

14 MR. McBRIDE: Yeah, the forklift is just left outside and then
15 it's covered --

16 MEMBER GOODSSELL: What type of fence are you asking for?

17 MR. McBRIDE: The chain link fence with just the slats.

18 MEMBER GOODSSELL: The slats in it so that there's no visibility.

19 MR. McBRIDE: For privacy, yeah.

20 CHAIRMAN MAMMINA: How realistic is the plan that you're
21 showing because it looks like you're going to need a lot more material
22 in that than actually shown.

23 MR. SCLARE: We --

24 MEMBER GOODSSELL: Can you come up to the microphone?

25 MR. SCLARE: The plan was done so that we calculated 15 percent
26 storage and leaving room between the pallet locations to allow the

1 forklift to drive through.

2 CHAIRMAN MAMMINA: We agree, I mean, I, you know, I --

3 MEMBER HERNANDEZ: Without having to move anything out of the
4 way.

5 CHAIRMAN MAMMINA: I mean --

6 MR. SCLARE: Right.

7 CHAIRMAN MAMMINA: -- say that, but obviously, a whole lot more
8 could be stored there. So I would just want to make sure that the
9 applicant is aware that he has this limitation and if it exceeds this
10 limitation, makes himself subject to, you know, to violations against
11 the property.

12 MR. McBRIDE: I don't have --

13 MR. SCLARE: Yes, you are aware.

14 MR. McBRIDE: I'm aware of that. I have to follow the code.
15 So that's why we had to show that.

16 MEMBER HERNANDEZ: And your long-term plan is to build a good
17 structure there, a building.

18 MR. McBRIDE: Yeah, I have -- yeah, I have schematic plans,
19 drawings, that's my next move, to hopefully in the next year and a
20 half, whatever.

21 (WHEREUPON, there was an off-the-record discussion.)

22 MEMBER GOODSSELL: Mr. Chairman, this is one of the areas of Port
23 Washington that we do -- we've had before us before, usually on one
24 of the adjoining streets, but it's a mix of residences, commercial
25 uses, business uses, industrial uses, and it is clearly industrial
26 and caddy corner across the street is North Shore Animal League,

1 and -- what do you anticipate, time-wise, to submit your application
2 to put a more permanent structure on here?

3 MR. McBRIDE: Yeah, we're in the process of the design and the
4 schematics, and we're hoping in the next --

5 MEMBER GOODSSELL: A year? Two years? Three years?

6 MR. McBRIDE: Yeah, no, the next six or eight months before we
7 get the drawings approved and submitted.

8 (WHEREUPON, there was an off-the-record discussion.)

9 MEMBER GOODSSELL: Are there residential houses directly across
10 the street from this?

11 MR. McBRIDE: No.

12 MEMBER GOODSSELL: Or directly across the street, is that an
13 industrial? I saw the houses. The houses are further east.

14 MR. SCLARE: Toward the boulevard.

15 MEMBER GOODSSELL: Yes.

16 MR. SCLARE: Right, but otherwise, it's all industrial.
17 There's one property across the street toward the -- just behind the
18 deli parking lot, that little, that Bear Tree Service, and they have
19 a, like, an outdoor storage area, and they have a house on their
20 property that's also Bear Tree Service but it's not across from our
21 lot.

22 MEMBER HERNANDEZ: Right.

23 (WHEREUPON, there was an off-the-record discussion.)

24 MEMBER HERNANDEZ: Mr. Chairman, I move that we grant the
25 application, as requested, for the plan limiting the outdoor storage
26 to 15 percent of the square footage.

1 MEMBER GOODSSELL: And I will second the motion.

2 The plan is, obviously, to -- it's a temporary measure, and the
3 plan is, obviously, to erect some sort of building on the property,
4 and the storage itself will be interior.

5 CHAIRMAN MAMMINA: Okay.

6 MEMBER GOODSSELL: I will second that motion.

7 CHAIRMAN MAMMINA: All right, we have a motion by Member
8 Hernandez and a second by Member Goodsell.

9 Please poll the Board.

10 (WHEREUPON, there was a unanimous, affirmative vote of the Board
11 members present.)

12 CHAIRMAN MAMMINA: Application is granted.

13 MEMBER HERNANDEZ: Good luck.

14 (WHEREUPON, this application was granted.)

1 CHAIRMAN MAMMINA: Next case.

2 SECRETARY WAGNER: Appeal number 21617, Napoleon Prime
3 Properties, LLC; 154 Mineola Ave. in Roslyn Heights; Section 7,
4 Block G, Lot 970 in the Business-B Zoning District.

5 Variance from §70-196.J(1)(a) to construct too many signs on
6 a wall.

7 CHAIRMAN MAMMINA: You heard appeal number 21617, Napoleon
8 Prime Properties, LLC.

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

11 (WHEREUPON, there was no response.)

12 Seeing no one.

13 Please give your name and address.

14 MR. FOX: Good afternoon, Mr. Chairman, members of the Board,
15 my name is Tyler Fox, I am a licensed architect and a partner at JM2
16 Architecture, our office is located at 2410 North Ocean Avenue, Suite
17 300, Farmingville, New York 11738, and I'm here representing the
18 owner, Napoleon Prime Properties.

19 CHAIRMAN MAMMINA: Good afternoon.

20 MR. FOX: Good afternoon.

21 So I want to start off by saying, thank you for rehearing this
22 application. We were before you October 23rd of 2024 regarding, and
23 under the same appeal number, regarding the same application, and
24 since then, and after considerable consideration and a lot of time
25 thinking of the application, we're hoping to rehear the application
26 and present to you a new application for one additional wall sign

1 on the west elevation of this beautiful structure at 154 Mineola
2 Avenue.

3 The building was Cod in February of 2023. Since then, we have
4 three fantastic tenants who are in there currently. We have Verizon
5 retail store, Pookie & Sebastian who is a women's retail clothing
6 store and Eichholtz furniture store, both are great tenants, and
7 they've been in there. Verizon was the first tenant to move in there.

8 We came to a new plan here which is before you for one wall sign
9 on the west elevation which is the second wall sign in addition to
10 the Verizon store tenant sign on the west elevation along Mineola
11 Avenue. You know, we have a few comments regarding, you know, why
12 we believe this is a good compromise and why we hope to receive
13 approval for this signage.

14 You know, number one is that we believe that the building sign
15 entitled "Roslyn Square" for identification of the building is
16 essential for the tenants who's signage is only facing the south
17 elevation. We want to provide a, you know, kind of an identification
18 for the property for those traveling north and south of Mineola
19 Avenue, and number two is really, the elevations in the building was
20 originally designed with future signage in mind. Of course, as you
21 know the building very well, just north of the Long Island Expressway,
22 we do have a corner element that was part of the approved drawings
23 that was designed with the intent of having a wall signage on that
24 corner. The elevation on that west -- the west elevation with
25 Verizon is about 50 feet long. It currently only has a Verizon tenant
26 sign. It was planned on only having Verizon as the tenant sign on

1 that elevation facing Mineola Avenue, and in addition, this sign is
2 20 square feet, so it's well under what's permissible. It's less
3 than 18 feet in total height, and you know, we would also, based on
4 our last conversation at our last hearing, we looked at potentially
5 doing a ground sign as well along Mineola Avenue. Unfortunately,
6 the ground sign would also need a variance, and it just doesn't seem
7 to have a good location along Mineola Avenue and any of the existing
8 landscaping, and as I mentioned, you know, the building's beautiful.
9 I believe the tenants and the community would benefit from having
10 a sign on that west elevation, and other than it being the second
11 sign on that elevation, it conforms to all other signage and zoning
12 code.

13 So I'm here to answer any additional questions and comments
14 regarding the application.

15 MEMBER HERNANDEZ: Okay, you mentioned that, and I'm having a
16 problem reading the signs. You mentioned that there are three
17 tenants now in the building.

18 MR. FOX: Correct.

19 MEMBER HERNANDEZ: I don't see three signs for three tenants.
20 Oh, there it is, okay. Thank you, and yeah, I got it.

21 CHAIRMAN MAMMINA: See the Eichholtz.

22 MEMBER GOODSSELL: Oh, yeah, yeah.

23 CHAIRMAN MAMMINA: It blends in with the brick.

24 MEMBER GOODSSELL: The Eichholtz sign.

25 MR. FOX: Ah, yes, I see.

26 MEMBER HERNANDEZ: Okay, and what is that big square, white

1 square that's on the left side?

2 MR. FOX: The big white square on the left side of the south
3 elevation you mean?

4 MEMBER HERNANDEZ: Yeah, when you look at the Verizon, Pookie
5 & Sebastian and Eichholtz, that frontage?

6 MR. FOX: Mm-hmm.

7 MEMBER HERNANDEZ: What is in that big square on the left?

8 MR. FOX: So the big square on the left was part of the original
9 design of the building. It's --

10 MEMBER HERNANDEZ: Yeah.

11 MR. FOX: It's just a metal panel, it's a black metal panel.

12 MEMBER HERNANDEZ: Uh-huh.

13 MR. FOX: That is offset from the brick facade that wraps the
14 corner on the south elevation to the west elevation.

15 MEMBER HERNANDEZ: Okay, the south elevation to the -- south?

16 CHAIRMAN MAMMINA: Yeah.

17 MEMBER HERNANDEZ: So this is -- we're looking -- you're driving
18 north -- you're driving north on Mineola Avenue.

19 MEMBER DONATELLI: You're going to see -- you're going to see
20 the three stores plus you're going to see --

21 MEMBER HERNANDEZ: Okay, so as you're driving north, you're
22 going to see on your left, Verizon or Roslyn Square on the side street,
23 and then as you go in front of the building, you're going to see a
24 blank space and the three signs. Am I reading this correctly?

25 MEMBER DONATELLI: As -- no. As you're traveling north.

26 MEMBER HERNANDEZ: On Mineola.

1 MEMBER DONATELLI: You're going to first come across the
2 parking lot. You're going to see the three tenant signs facing the
3 parking lot, and then continuing north, then on the side you're going
4 to see --

5 MEMBER HERNANDEZ: The west elevation.

6 MEMBER DONATELLI: -- Verizon.

7 MEMBER HERNANDEZ: It is going to be the west elevation.

8 MEMBER DONATELLI: It is the west elevation. Verizon is the
9 west elevation.

10 (WHEREUPON, there was an off-the-record discussion.)

11 MEMBER DONATELLI: I would have a question.

12 We -- I recall when this matter came up the last time, and we're
13 trying to find out if you have any -- if you've done any research,
14 if you could point us to any decisions by this Board where we've
15 actually granted a variance for a sign pertaining to the marketing
16 of the building, pertaining to the name of the building as opposed
17 to pertaining to a tenant on the building.

18 MR. FOX: To be honest with you, I don't believe any research
19 was completed since our previous meeting, so that's something that
20 we'd have to --

21 MEMBER DONATELLI: Right, because for as long as I've been on
22 the Board, which I think is probably approaching, well, I'm not going
23 to estimate the time, but --

24 MR. FOX: Yeah.

25 MEMBER DONATELLI: -- I will tell you, I know that in those
26 instances where we have had applications to brand a building with

1 a sign for a building not pertaining to a tenant, I don't recall an
2 instance where we've actually granted that, and I think that was one
3 of my main concerns the last time that this case came up. We, on
4 occasion, grant variances for tenants because, of course, we want
5 the tenants to thrive, to survive. We want people on the outside
6 of the street to know where they can get those services or those goods,
7 but the marketing of the building itself, of the owner of the
8 building, we typically -- I can't recall an instance where we've
9 granted a variance, and that was my objection the last time we had
10 this on, and I understand and acknowledge that the tenant has modified
11 their application from two signs to one, but it's still the same
12 objection.

13 MR. FOX: Mm-hmm, understood.

14 MEMBER GOODSSELL: And I'd like to just clarify that Roslyn
15 Square, the name Roslyn Square, that does not represent the business
16 which is going to go into the building; is that correct?

17 MR. FOX: That is correct.

18 MEMBER GOODSSELL: And that Napoleon Prime Properties, LLC, who
19 is the applicant in this case, is also not going to have an office
20 in the building; is that correct?

21 MR. FOX: That is correct. As far as I'm aware, the three
22 tenants that are there, the building was originally designed for
23 retail tenants which is what it's used for.

24 MEMBER GOODSSELL: We do understand that, and we do understand
25 that Verizon wants to be very visible, and I have been there at dusk
26 at Pookie & Sebastian.

1 MR. FOX: Mm-hmm.

2 MEMBER GOODSSELL: These are businesses that are attractive to
3 a person that want to go where they are. We -- I am the newest member
4 of the Board, three and a half years, and I also do not recall, in
5 my tenure, someone that has a sign which is simply the name of the
6 building. There are named buildings, but I have not seen a sign
7 application. The applications that we have reviewed --

8 MR. FOX: Mm-hmm.

9 MEMBER GOODSSELL: -- are buildings that contain another
10 business within, and we've had applications for Starbucks inside,
11 CVS inside, something inside the building. I do think
12 Mr. Donatelli's question is pertinent. Have we --

13 MR. FOX: Mm-hmm.

14 MEMBER GOODSSELL: -- because we do not recall, the members of
15 this Board -- less than the others, is there an instance that you
16 can point to us where we have approved such a sign, and you were here,
17 and you heard the other applications that were presented today, and
18 how they, occasionally, will come in and say, well, you granted these
19 four, five, six applications, mine is very similar. I believe Member
20 Donatelli did last time.

21 MR. FOX: Understood.

22 MEMBER DONATELLI: And you know, we had suggested last time,
23 because we understand that this matters to your client, we had
24 suggested, not just a monument sign, but perhaps some other way of,
25 you know, including the branding of Roslyn Square, whether it be,
26 you know, a monument sign or a some sort of etching on the sidewalk.

1 MR. FOX: Right.

2 MEMBER DONATELLI: I'm not an architect.

3 MR. FOX: Mm-hmm.

4 MEMBER DONATELLI: I'm not the architect on the Board, but if
5 there are, I would imagine, ways that your client could somehow market
6 the building without adding to the street clutter which is the facade
7 of the building, and so that was the suggestion that we made last
8 time. I would think that -- because my understanding is, when the
9 Town Board passed the variance -- passed the law pertaining to
10 signage, that this is exactly the kind of clutter they were trying
11 to avoid, a kind of visual clutter.

12 MR. FOX: Understood, yeah. I would like to reiterate that the
13 building was approved with the black panel in the corner.

14 CHAIRMAN MAMMINA: Mm-hmm.

15 MR. FOX: You know, without any signage.

16 MEMBER HERNANDEZ: That's an architectural decal -- when the
17 Building Department reviews it, it's an architectural decal.

18 MR. FOX: Yeah, sure.

19 MEMBER HERNANDEZ: Now you want to use that as signage, very
20 different.

21 MR. FOX: Mm-hmm.

22 MEMBER HERNANDEZ: We allow more than one sign when there's more
23 than one business in the building because every business deserves
24 to be identified; okay?

25 MR. FOX: Agreed.

26 MEMBER HERNANDEZ: If the building had no businesses at all,

1 if it was just a, you know, I don't know, for their own private use,
2 then they can put whatever thing they want on it, it's their -- but
3 if you rent it out to tenants, then each one of the tenants --

4 MEMBER GOODSSELL: Did the gentleman wish to --

5 MR. FOX: Would the owner like to say a few words for the record,
6 as well?

7 MR. YERUSHALMI: Yeah, good morning, my name is Ilan
8 Yerushalmi, I'm a member of Napoleon Prime Properties, and I just
9 want to mention that we are not -- the purpose of the sign is not
10 to market the building. I mean, it's a beautiful building, and okay,
11 it's our building, it's beautiful, much better than what was there,
12 but like any shopping center, like you go down the road, there is,
13 like, Carle Place Plaza, there is Cherry Hill Plaza, wherever I go
14 where there's a few tenants. So the tenants like to also mention
15 where we are located, you know, instead of saying, we are, say
16 Verizon, 154 Mineola, Avenue, we are -- they can say also, located
17 at Roslyn Square at 154 Mineola Avenue.

18 So we are not really -- it's not the term marketing sounds like
19 we want -- it has nothing to do with marketing. It's just like any
20 building, building, shopping center, it has an identity so
21 that's -- and that's what we designed that, like you say, like an
22 architectural element, but having nothing there, like, just now
23 having these black panels on both corners is actually decrease or
24 makes it less, you know, sightly. If you have a nice up or even it's
25 going to be a halo sign, it's going to be like the Verizon sign where
26 it's backlit or things like that, very, very subdued, you know, only

1 comes at night. It identifies the building, and I actually see it
2 in every shopping center that has a name, like having a post.

3 MEMBER HERNANDEZ: You are correct. Shopping centers --

4 MR. YERUSHALMI: Yeah.

5 MEMBER HERNANDEZ: -- have it.

6 MR. YERUSHALMI: Yes.

7 MEMBER HERNANDEZ: Carle Place Commons. There are 20 stores.

8 MR. YERUSHALMI: Yes, correct.

9 MEMBER HERNANDEZ: Roosevelt Field.

10 MR. YERUSHALMI: Right.

11 MEMBER HERNANDEZ: That where the store's located.

12 MR. YERUSHALMI: Yes.

13 MEMBER HERNANDEZ: But you're a building with three tenants.
14 You're not a shopping center, you're not a Roosevelt Field.

15 MR. YERUSHALMI: Correct.

16 MEMBER HERNANDEZ: You're not the Americana Shopping Center.

17 MR. YERUSHALMI: Correct, but we are not in a place where we
18 can be so that should not take us away, not naming our place, you
19 know, or giving it a name; you know?

20 MR. YERUSHALMI: I just want to stress, I just came down -- I'm
21 the property manager for the building.

22 MEMBER GOODSELL: You have to --

23 MR. YERUSHALMI: Sure, my name is --

24 CHAIRMAN MAMMINA: Apologize to the man who was testifying.

25 MR. I. YERUSHALMI: I'm sorry, I'm sorry. My name is Idi
26 Yerushalmi, and I'm the property manager for the building, and I speak

1 with our tenants a lot, and we have weekly, monthly communications,
2 and I just wanted to stress the importance that they tell me, they
3 communicate to me about how the building is marketed. They would
4 love for the signage to have an identity where they tell their
5 customers and clients that we're at Roslyn Square at 154 Mineola
6 Avenue, and they would love for this sign.

7 CHAIRMAN MAMMINA: It's a pylon sign as I think the other
8 gentlemen said, and then you can put on top of the pylon sign. Being
9 in Carle Place, I've got every retail person on, you know, in there,
10 and the name of the shopping center is on a pylon sign at the street.
11 You're not going see it up on the top of a building. I can't think
12 of a single one, you know, and in the decades that I've been here,
13 I don't ever remember that we've advertised what the name of a
14 building is. You're on the facade of the building, and you've got
15 one, you know, that faces the street.

16 I don't -- I wasn't here for that first hearing, you know, but
17 if you want to take that, well, decide where you want it, you know,
18 it's okay, that could be illuminated, metal -- excuse me, illuminated
19 acrylic panel behind it just so it becomes an architectural element,
20 and you know, you're seeing that as you're coming up the road as an
21 eye-catcher, you know, but the sign, we don't advertise the name of
22 the buildings. We give advertisement to the businesses that are in
23 those buildings.

24 So I think if you can show precedent, you know, and we'll give
25 you another extension, I think -- find us other buildings where we've
26 done that.

1 MEMBER GOODSSELL: In our town. In our town.

2 CHAIRMAN MAMMINA: In our town.

3 MEMBER HERNANDEZ: Right, yeah.

4 MEMBER GOODSSELL: There are other jurisdictions to our south
5 which allow, to our chagrin, multiple signs, anything goes. Look
6 at the Town of North Hempstead because the Town of North Hempstead
7 is trying to minimize the amount of signage that is coming at you.
8 So --

9 MR. YERUSHALMI: I understand that, and that's why I think Tyler
10 said that our compromise where the west elevation is, there's only
11 one sign, it's a very long wall, it's almost; what? Fifty feet?
12 Fifty feet, and there's only one sign of Verizon there, so our sign
13 will be a compromise. Again, it won't be very seen because most of
14 the traffic is going north, and that's where all the tenants are
15 facing south; right? So that's where on the west elevation it won't
16 get much, it's still good, it's the -- but it will be a compromise,
17 and as you know, now we have three signs there. We have two signs
18 on the west elevation, so it would be a good compromise. That's what
19 we thought coming back in here might be, you know --

20 MEMBER HERNANDEZ: You appreciate the problem that we're
21 facing.

22 MR. YERUSHALMI: Yeah.

23 MEMBER HERNANDEZ: Let's say we agree with your compromise.

24 MR. YERUSHALMI: Yes.

25 MEMBER HERNANDEZ: We allow a sign there. Now, 2025, we just
26 approved a sign for the building. He comes back six months from now

1 because somebody else has a building they want to put up a sign; right?
2 And he's going to say, well, you approved this one sign six months
3 ago. It sets a precedent, and he's not the only one that's going
4 to do it. Everyone's going to do it. Now, I'm not saying that one
5 thing sets a precedent, but every time you have one it makes it more
6 difficult to turn down the next one. So before we grant one, and
7 listen, if you go look for one, you may find one out there that may
8 have been approved 25, 30 years ago, potentially; okay? And it
9 doesn't mean that because somebody did it 25 years ago we're going
10 to do it again today. But we need to be conscious that we don't want
11 to set anything in motion when the Town Board has said they want a
12 sign -- one sign for per business.

13 MR. YERUSHALMI: I understand that, and actually, thinking
14 about it, a pylon, a pylon where you have all these signs is not as
15 sightly -- first of all, in our case, it would be detrimental to the
16 tenants because it would block the view --

17 MEMBER HERNANDEZ: Yes.

18 MR. YERUSHALMI: -- coming from the -- it would be detrimental.
19 So that was a consideration when we designed the building not to do
20 that, and the architect said, it's a beautiful -- we should do that
21 on it, that's what we building.

22 Now as far as setting a precedent, it doesn't -- we should not
23 take it as setting a precedent, we're setting it up as doing something
24 that's a little bit out of the box. It's not a precedent, it's out
25 of the box, and it's nice, and it's on the west side where there's
26 only one Verizon sign. If there was another three on the west side

1 is -- will always be one tenant that's going -- not two tenants can
2 be on the west side; because it's -- right? So that elevation will
3 never have more than two signs.

4 CHAIRMAN MAMMINA: The thing is, you know, for myself --

5 MR. YERUSHALMI: Yes.

6 CHAIRMAN MAMMINA: -- my perspective, the way to handle this --

7 MR. YERUSHALMI: Yeah.

8 CHAIRMAN MAMMINA: -- is by combining the sign. I don't really
9 see any difference in how that would affect your shopping center.
10 I'm saying that as an architect. Look, you might need -- you might
11 need a variance to get the pylon sign out there.

12 MR. YERUSHALMI: Mm-hmm.

13 CHAIRMAN MAMMINA: And we have considered variances on a pylon
14 sign has to be setback 10 feet, but there are plenty of shopping
15 centers that are small; okay? On a big shopping center that goes
16 on for, I don't know, hundreds and hundreds of feet, yeah, I mean,
17 that -- that pylon, you know, can, you know, can be in the -- facing
18 the street. If you go to the, I always call it the Toys "R" Us
19 shopping center in Carle Place, the sign that is -- that is on the
20 western side of the building where it's very limited, between the
21 Macy's building, and I forget the furniture guy, Bob's Furniture,
22 Bob's Discount Furniture, that is perpendicular to the street, and
23 then, yes, you see it from both sides, you know, as you're, you know,
24 as you're coming, you know, so it's -- I see that as the solution
25 here and one of the things we have to look at is, is there another
26 solution. Doesn't mean we have to agree on what the other solution

1 is.

2 MR. YERUSHALMI: Right.

3 CHAIRMAN MAMMINA: But that is the way, historically, this
4 Board has dealt with signage.

5 MR. YERUSHALMI: So we actually thought about that other
6 solution before we came the second time, and you can drive by there
7 again, you will see that there is no other solution because the
8 parking lot comes very close to the sidewalk, and there's that little
9 landscaping in the front. So where could we put a pylon or a, you
10 know --

11 CHAIRMAN MAMMINA: As I said before, come in with a pylon sign,
12 and we may consider the pylon sign.

13 MR. YERUSHALMI: Yeah, but where would we put it?

14 CHAIRMAN MAMMINA: That's up to -- that's up to your architect.

15 MR. YERUSHALMI: There's no room to put it.

16 CHAIRMAN MAMMINA: Whoever designed the building did a very,
17 very nice job, and I can say that, you know, as an architect. It's
18 a very handsome building, and as you said, you do have, you have a
19 place where you could put that. So, you know, I mean, that's your
20 alternate solution.

21 MEMBER GOODSSELL: If you want, we will consider your
22 application the way you have presented it, and again, this is entirely
23 up to you, we're only suggesting, but if we do consider this, I would
24 have to go back and revisit the building and reserve decision on the
25 application. As I recall this building, there is a cap on one side
26 of the building. But I'd like to see if any of the other buildings

1 on this street --

2 MR. YERUSHALMI: Mm-hmm.

3 MEMBER HERNANDEZ: Two blocks over.

4 MEMBER GOODSSELL: -- have names on them.

5 MEMBER HERNANDEZ: Two blocks down is Roslyn -- Roslyn Complex
6 or something like that.

7 MR. YERUSHALMI: Yes.

8 MEMBER GOODSSELL: Do they have a monument sign?

9 MEMBER HERNANDEZ: They have -- they have a monument sign at
10 the end of the parking lot on two pedestals so you could see through
11 it so that it doesn't block vision, and there are eight or ten
12 businesses listed on it. So there's no reason why they could not
13 have --

14 MEMBER GOODSSELL: That's true, that's true.

15 MEMBER HERNANDEZ: -- a monument sign with three businesses,
16 so --

17 MEMBER GOODSSELL: Over by me there is the shopping center that
18 now --

19 MEMBER HERNANDEZ: Yes, right.

20 MEMBER GOODSSELL: And they do have that.

21 MEMBER HERNANDEZ: Yeah, they have a name for the shopping
22 center.

23 MEMBER GOODSSELL: That's correct.

24 MEMBER HERNANDEZ: So there are options besides putting up just
25 a name of a building.

26 (WHEREUPON, there was an off-the-record discussion.)

1 MEMBER GOODSSELL: I have no further questions.

2 MR. FOX: In closing, you know, I think the discussion is very
3 helpful, and I, you know, I appreciate this reserve decision, and
4 you know, we can do a little more research. But certainly, I think
5 the suggestion of a pylon sign is going to be the option here.

6 MEMBER DONATELLI: Well, so we're different things.

7 MEMBER HERNANDEZ: Yeah.

8 MEMBER DONATELLI: If we reserve decision, that means that we
9 have all the information that we're going need to make a decision,
10 and we'll make a decision. If you're indicating instead that you'd
11 rather explore the option of a pylon sign or a monument sign, you
12 know, certainly that would be -- that would be continuing the
13 application for further plans, so --

14 MEMBER HERNANDEZ: And you do not have to -- you do not have
15 to come back in person, you can submit.

16 CHAIRMAN MAMMINA: You have to go to the Building Department,
17 though, too, unless it's a compliant monument.

18 MR. FOX: Right, right.

19 CHAIRMAN MAMMINA: You have to have the Building Department
20 have your denial, and then amended to whatever that --

21 MR. FOX: Right.

22 CHAIRMAN MAMMINA: -- whatever that would be.

23 MR. FOX: Okay.

24 CHAIRMAN MAMMINA: I mean, I guess it would be faster than
25 starting all over, I don't know.

26 MEMBER DONATELLI: I think you're hearing the skepticism of

1 this Board. We're trying to help you but you're hearing the
2 skepticism. I know that we have granted in the past a variance for
3 monument signs that were not compliant based on where they had to
4 be sited --

5 MR. FOX: Mm-hmm.

6 MEMBER DONATELLI: -- you know, but that's certainly a much
7 more, it's -- that's been done in the past, and I think your tenant
8 will probably appreciate that more --

9 MR. FOX: Yeah.

10 MEMBER DONATELLI: -- for the extra identification on that
11 sign.

12 MR. FOX: Right.

13 (WHEREUPON, there was an off-the-record discussion.)

14 CHAIRMAN MAMMINA: So just before we start, because our legal
15 counsel has said, which was a part of the confusion, the Board had,
16 just in terms of which way we turn on this, is that if you
17 consider -- if you continue with the wall signs to try find other
18 options or whatever, then we would continue the case. If you think
19 you're going to do the pylon sign, then you would either withdraw
20 this application and you don't need a denial or we would deny the
21 application. Either way then, you would have to go back to the
22 Building Department because then it is a new application.

23 MR. FOX: Understood.

24 ATTORNEY ALGIOS: Well, he can continue, if they're not sure.

25 CHAIRMAN MAMMINA: Yeah, yeah, yeah, not now.

26 MR. FOX: Great, excellent. We will, we will.

1 SECRETARY WAGNER: So continue?

2 CHAIRMAN MAMMINA: Probably the best way.

3 MR. FOX: Agreed.

4 MR. YERUSHALMI: We made it much more beautiful than the area
5 before; right? I hope you like the building.

6 CHAIRMAN MAMMINA: I love the building.

7 MR. YERUSHALMI: Yeah, what was there before that --

8 CHAIRMAN MAMMINA: Unfortunately, we don't look at beauty. I
9 can look at beauty.

10 MR. YERUSHALMI: Sure, you're an architect.

11 CHAIRMAN MAMMINA: You know, that's -- I'm an architect but our
12 decisions have to be made on the basis of what the legal standard
13 is.

14 MR. YERUSHALMI: Yeah.

15 CHAIRMAN MAMMINA: Thank you.

16 MR. YERUSHALMI: Thank you.

17 CHAIRMAN MAMMINA: I appreciate it.

18 MR. FOX: Thank you.

19 (WHEREUPON, there was an off-the-record discussion.)

20 (WHEREUPON, this application was continued.)

1 MEMBER DONATELLI: I make a motion that we adopt SEQR.

2 MEMBER GOODSSELL: Second.

3 MEMBER DONATELLI: Motion by Member Donatelli and Member

4 Goodsell seconded.

5 (WHEREUPON, there was a unanimous, affirmative vote of the Board
6 members present.)

7 (WHEREUPON, this meeting was concluded at 1:10 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)

SS:

COUNTY OF NASSAU)

I, DEBBIE BABINO, a certified
Shorthand Reporter in the State of New York, do hereby certify:

That the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have set my
hand on this 17th day of February, 2025.



Debbie Babino, Certified Reporter