

1
2 Town of North Hempstead

3 Board of Zoning Appeals

4 PUBLIC HEARINGS

5
6 Wednesday, March 5, 2025

7 10:00 a.m.

8
9
10 BOARD MEMBERS PRESENT:

11 David Mammina, Chairman

12 Leslie Francis, Member

13 Patricia Goodsell, Member

14 Daniel Donatelli, Member

15 Jay Hernandez, Member

16
17 ALSO PRESENT:

18 Deborah Algios, Deputy Town Attorney

19 Virginia Wagner, Secretary

20 Michael Tumbarello, Planner

21 Mariesel Berrios, Stenographer

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1 CHAIRMAN MAMMINA: Good morning. I give a little
2 introduction every time, especially for people who have never
3 been to a zoning board or people who have been to zoning boards,
4 but every zoning board does things a little bit different in my
5 experiences as an architect, especially in villages, not so much
6 in towns. What we'll do is we'll go through that now. The way
7 that this proceeding works is that each case, generally in
8 order, will be called by Secretary Wagner, and she'll read that
9 off, and when she reads that off, I will repeat that, and then I
10 will ask is there anyone else who wishes to speak aside from the
11 applicant; just so that we know that there is someone who wishes
12 to speak.

13 Everybody is welcome to speak, anyone who would like to.
14 Come up one at a time. There's a three-minute limit on that,
15 and what I like to say about it; we're not chopping anybody's
16 head off, you know, at three minutes, but we like to try to
17 contain it a little bit. What will happen then is if there is
18 anyone who wishes to speak then the applicant gets the last turn
19 at the podium so that they can support or refute what somebody
20 said, but more so, even the Board has an opportunity then to ask
21 questions based on anything that may have been raised by
22 opposition.

23 What we ask in terms of opposition and the applicant as
24 well is that we try not to repeat each other because, you know,
25 if somebody says, you know, the traffic is gonna be too much.
26 That's on the record, and if it's said five or six times, it

1 doesn't support the record. So again, I'm not gonna jump up and
 2 say, hey, you can't say that, but we just ask that -- we have a
 3 very long calendar today as you can see from here, and we'll
 4 stay here until it's done, but -- so we just try to condense it
 5 as much as we can, and someone else can stand up and say, I
 6 agree completely with what the person before me said regarding
 7 traffic and sunlight, and that's okay. It's on the record, and
 8 the Board, generally, we take notes and we'll go back and we've
 9 already gone through them once individually.

10 With that said, the way that it will work is that when the
 11 hearing portion is complete, the applicant has put their case on
 12 the record, and anyone has spoken who wishes to speak -- so the
 13 Board will then do one of four things. We will either approve
 14 the application, we will deny application, we will reserve the
 15 application, or we will continue the application. What those
 16 mean is that -- approve or denied, you know, everybody knows
 17 what that is. I also say we're not here to deny applications.
 18 We try to help people, but at the same time, we follow points of
 19 law.

20 This is a quasi-judicial hearing. It's not what our
 21 opinion per se is. It's are you making your case for those five
 22 points of law for an area variance, and I know this is a lot of
 23 stuff, but trust us that, you know, we work along with anybody,
 24 or if there's a use variance. I don't think we have any of
 25 those today, then it's points of law. What that means, as I
 26 said, one and two, that's easy.

1 If we continue the application then that means that there's
2 some kind of information that we say to the applicant, well, can
3 you produce that closing document or that survey from whatever,
4 you know, 1950 or 2002; doesn't matter, but we have those kinds
5 of questions. Then if we close the hearing at that point that
6 means that the Board has all of the information that we need.
7 We don't need any more information in order for to us make a
8 decision. Decisions are made in public. They are shared in
9 public in terms of what the Board says. You needn't come back
10 again. You can watch it virtually. Anyone who does come back,
11 there is no additional input from anyone who's here at that
12 point. It's a public deliberation, but it belongs only to the
13 Board, and that's called the Sunshine Laws in the state, which
14 means that we can't go into the back room and make a decision.
15 We have no hearing -- no second hearing. I've been here for 32
16 years, you know, maybe three times we've had a second hearing,
17 but that truly does not happen at this Board.

18 What I will ask everybody, as I was saying in the
19 beginning, you know, your cell phones, your iPads, whatever it
20 might be, you don't have to turn them off; just have them
21 completely on mute. We all, as I said, we live and die by all
22 of this communication, and that's important to each person, so
23 we just ask you that in the middle of your testimony, which
24 we've had happen, I'm not making this up, Stairway to Heaven
25 started playing.

26 SECRETARY WAGNER: We should be live now.

1 CHAIRMAN MAMMINA: I'm basically done with my little
2 speech.

3 SECRETARY WAGNER: All right.

4 CHAIRMAN MAMMINA: I'll just finish up by saying if you
5 have to make a call, if you have take a call, that's quite all
6 right. Just stand up, make your way around. You can go out
7 into the hallway, and that's fine. Also, at the same time, if
8 somebody else comes, we would ask that you tell them the same
9 thing.

10 I guess I'd like to say that just feel like you're talking
11 to us across your kitchen table, or if it's a commercial case,
12 across your desk. We try to make it easy, and ask everyone to
13 try not to be nervous. There's not really any reason to be, but
14 I can remember when I was a very young man going before zoning
15 boards before I did this, and I'd be shaking nervous, but that's
16 okay.

17 With all of that said, we're going to do the Pledge of
18 Allegiance now.

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

20 CHAIRMAN MAMMINA: Thank you, everyone, and just for anyone
21 who just tuned in, we gave just a little bit of a prep on the
22 way that we conduct business here, individual cases, and how
23 approvals, denial, more information, whatever those sorts of
24 things are done.

25 With that said, I will ask our secretary to the Board, Ms.
26 Wagner, to please let us know if we have any modifications to

1 this morning's calendar.

2 SECRETARY WAGNER: Yes, Chairman. We have an adjournment
3 of Appeal #21672, Rajendra Latcha; 757 Anna Avenue, Westbury;
4 Section 10, Block 208, Lot 7; zoned in the Residence C district.
5 Variances from 70-100.2(A)(4) and 70-202.2(A) to legalize
6 fencing that is too tall and a patio with not enough water
7 retention on site. That's adjourned to April 2nd.

8 CHAIRMAN MAMMINA: If there's anyone that is here for
9 Appeal #21672, it's not going to be it heard today and has been
10 adjourned until April 2nd. You're certainly welcome to stay if
11 you want to just hear a few cases and to see how this all works.
12 If you're a real glutton for punishment, you can stay here until
13 7:00 tonight with us, but that's not necessary.

14 With that said, if we call the first case, please.

15

16 SECRETARY WAGNER: Appeal #21665, David Pereira; 26
17 Memorial Place, Manhasset; Section 3, Block 82, Lot 114; in the
18 Residence C zoning district.

19 Variances from 70-48.C, 70-50.A, 70-51.E, and 70-208.F to
20 construct additions to a nonconforming dwelling that makes the
21 home too big, are too close to the side property line and the
22 street, and results in the expansion of a nonconforming
23 building.

24 CHAIRMAN MAMMINA: You've heard Appeal #21665, David
25 Pereira. Is there anyone in the room who is interested in the
26 application other than the applicant? Okay, seeing one hand up,

1 and sir, you will be invited to speak after the applicant.

2 Thank you. Please give your and name address.

3 MR. DOWDELL: Good morning, all. My name is Chris Dowdell.

4 I'm from Bobby K Architects. I'm here with Helena and David

5 Pereira, the owners of 26 Memorial Place. We're seeking a

6 variance for the following items that were just mentioned by the

7 secretary.

8 Mr. and Mrs. Pereira have owned this home since 1983. They

9 had a residence in South Setauket as well, and decided to retire

10 here and live full time to be closer to their children and

11 grandchildren in Manhasset. Also living on the second floor of

12 this legal two-family residence would be Mr. Pereira's sister

13 and brother-in-law, Maria and Jose Barbosa. The house was in

14 disrepair and needed proper renovation before moving in, before

15 moving in full time; the roof, walls, porches, windows, et

16 cetera. There was already a permit granted for the interior

17 renovations; just to get to them now, so that's where they're

18 living currently. It's an existing two-family nonconforming

19 condition, and adding such condition --

20 CHAIRMAN MAMMINA: Can I ask? Just slow down a little bit

21 for our stenographer. She is absolutely amazing, and I'll ask

22 everyone that because it's much easier when you're reading, it's

23 not a criticism.

24 MR. DOWDELL: I heard that three-minute rule, and I was --

25 MEMBER HERNANDEZ: That doesn't apply to you.

26 CHAIRMAN MAMMINA: That doesn't apply to you.

1 SECRETARY WAGNER: That's only for the public.

2 CHAIRMAN MAMMINA: You're the applicant, and you will get
3 another turn to speak --

4 MR. DOWDELL: Understood.

5 CHAIRMAN MAMMINA: -- if --

6 SECRETARY WAGNER: Take your time.

7 CHAIRMAN MAMMINA: I'm sorry for not making that clear.

8 MR. DOWDELL: Okay. So there are only four neighbors
9 affected by this application. The side encroachment on the west
10 side, the neighbors are an existing soccer field with the
11 Manhasset School District. The front yard encroachment on the
12 north side, neighbors are the municipal parking lot. Any
13 permanent residents or neighbors affected by these setbacks are
14 not affected by the side yard setback application. The zoning
15 for the two third of the residences are more strict in terms of
16 gross floor area, hence the need for a variance.

17 The one-story additions will allow the Pereira's to stay on
18 the first floor as a flight limits their mobility; no room for a
19 proper master suite. They're retired, and they want to live
20 comfortably.

21 The second floor additions provide minimal interior space
22 but is primarily proposed for aesthetic conditions on the front
23 -- on the street side.

24 We don't feel that these proposed improvements will be
25 detriments to the health, safety, and welfare of the community.
26 We don't believe the addition will result in an undesirable

1 change in character of Manhasset. We don't the feel that the
2 proposed design is detrimental or unpleasant to nearby owners as
3 the sides of which people actually live, and 26 Memorial Place
4 meets the code for those setbacks.

5 In conclusion, this house will go from one of serious
6 disrepair and unsightly look to a house that will look better
7 and allow the Pereiras to enjoy their retirement with family
8 nearby it.

9 I thank you all for your attention to this matter. I'm
10 happy to answer any questions or comments.

11 CHAIRMAN MAMMINA: I think the question is that the house
12 is already nonconforming and the size of houses is something
13 that's very important to the Board, and again understanding, the
14 Board does not make the regulations. The Town Board makes the
15 regulations. So the question is why can't you comply with the
16 size that you would be permitted under the zoning?

17 MR. DOWDELL: Just for a couple to retire here and have
18 their grandchildren come over. It's the first floor. It
19 doesn't have enough room for proper primary suite for Mr. and
20 Mrs. Pereira, and, you know, we can lessen the size of it
21 perhaps, but it wouldn't give them really what they need, and
22 the a -- the existing lot is at 9,702 square feet, so -- and
23 we're, you know, we're asking for -- it exists as a 35; however,
24 yet, the allowable is 35 percent, but we're -- the -- it's not
25 the lot area coverage. It's the gross floor area that comes
26 into play here.

1 CHAIRMAN MAMMINA: You already have a very large lot.

2 MR. DOWDELL: Yes.

3 CHAIRMAN MAMMINA: For a Residence C. So still the question
4 becomes why can't you -- other than the fact that it's
5 convenient. There are five tests of law, and I don't want to
6 put you on the spot, but --

7 VICE CHAIRMAN FRANCIS: It should be there.

8 CHAIRMAN MAMMINA: See. Right, and I think it's there at
9 the podium because we really need those five tests of law to be
10 put onto the record.

11 MEMBER GOODSSELL: We ask the same of everyone. We ask why
12 do you need to go 247 square feet over the allowable? Because
13 what's the limit -- what's allowed.

14 MR. DOWDELL: Yeah.

15 MEMBER GOODSSELL: If you can present a reason why you need
16 to go over the gross floor area. What does this do with the
17 Five Factors that you have on the podium?

18 MR. DOWDELL: Well, that 247 square feet, right there
19 provides the primary suite for Mr. and Mrs. Pereira. Both of
20 them have a --

21 MEMBER GOODSSELL: First floor, second floor or both?

22 MR. DOWDELL: What's that?

23 MEMBER GOODSSELL: First floor, second floor or both?

24 MR. DOWDELL: First floor. The stairs are not really an
25 option for them any longer, so we'd like to provide for them,
26 and I believe that you can see on the site plan that there is --

1 MEMBER GOODSSELL: I'm looking at the site plan.

2 MR. DOWDELL: Yeah. There is plenty of room, and it's kind
3 of a weird existing condition with the shape of the house being
4 so close the west side.

5 MEMBER GOODSSELL: The setbacks bother me less because the
6 house has been there forever.

7 MR. DOWDELL: Yeah.

8 MEMBER GOODSSELL: I'm sure at some point, it was the only
9 house standing in a field because it is an old house, and
10 there's been carve-outs of sales and things like that. The
11 setbacks bother me less.

12 When you are building something and you're adding on, is
13 there a reason, other than the convenience of the owners, why
14 you have to exceed gross floor area?

15 MR. DOWDELL: The owners cannot do stairs any longer, so we
16 have to keep them on the first floor.

17 CHAIRMAN MAMMINA: The stairs are what?

18 MR. DOWDELL: Due to arthritis, they cannot do stairs
19 anymore, so to put them on the second floor, is not really an
20 option. We need room on the first floor to house them.

21 CHAIRMAN MAMMINA: My questions then become the size of the
22 bedroom itself. In trying to make something that's compliant so
23 that you either minimize the variance because that is one of
24 your tests, and, you know, you got a walk-in closet that's 6
25 feet by 7 feet. The bathroom, okay. They want a bathroom in
26 there. I'm not gonna get overly fuzzy by saying, well, there's

1 another bathroom that's 25 feet away, and it's only the two of
2 them, you know, that are living there, but that's certainly
3 could be, you know, a point. So I guess the question is, as I
4 look at the room and I -- in my head, you know, put together
5 what I think a furniture layout would be, it could easily be fit
6 into the bedroom that's smaller than that then and, you know,
7 again a walk-in closet of 42 square feet; I mean, that's, you
8 know, that's nice, but -- it's -- it's bigger than closets
9 that --

10 MEMBER HERNANDEZ: It's like a bedroom in New York City.

11 CHAIRMAN MAMMINA: Yeah.

12 MR. DOWDELL: I would hope we all get a closet that big
13 when we retire.

14 CHAIRMAN MAMMINA: But you're making the closet.

15 MR. DOWDELL: Right.

16 CHAIRMAN MAMMINA: Okay, so yes, that's nice; our job is to
17 say is it minimized.

18 MEMBER HERNANDEZ: David, if I may add? You're building a
19 bedroom suite with a closet and a bathroom that's 320 square
20 feet.

21 MR. DOWDELL: Yes.

22 MEMBER HERNANDEZ: Out of the 247 that you're over, so
23 there is room in this house, okay? Because you already have an
24 existing bedroom, and you pointed out that it's for -- and I'm
25 in that age where I'm also looking on the first floor myself,
26 okay? So you need to question then, do you need two large

1 bedrooms because you already have a reasonable size, 140-square-
2 foot bedroom already. Now, you want to add a 324-square-foot,
3 and again, if you have the space, you know, without out any
4 variances, then God willing, build as big as you want if you
5 don't need a variance, but when you're asking for a variance,
6 you need to justify it, and just because I'm retired and just
7 because I want to have a big closet and a big private bathroom,
8 is not reason enough. There needs to be justification.

9 CHAIRMAN MAMMINA: I want to point to one other thing that
10 Secretary Wagner has just pointed out. You have a very large
11 laundry room of 56 square feet -- no, 63 square feet. You have
12 that area at the end of that. Why can't the walk-in closet go
13 there, and then if that walk-in closet goes into there, then
14 that other bathroom becomes even closer to where the bedroom,
15 you know, would be in there. So the question becomes why can't
16 we -- why can't we do that? I mean, we -- there's no furniture
17 layout on here, which is okay.

18 MR. DOWDELL: The bed would be on east wall in between the
19 two windows.

20 CHAIRMAN MAMMINA: Okay, but then in front of that bed, you
21 got a bedroom there that's 16 feet. The bed is --

22 MR. DOWDELL: We don't want to have to cut into the
23 existing bedroom to get into the master bedroom.

24 CHAIRMAN MAMMINA: And that's okay. Push it the other way.
25 Put the bed against the wall that is that existing bedroom in
26 there because when I looked at it, I said, all right, I guess

1 they're gonna put the bed there, but that's just me. Doesn't
2 mean that you have to agree with that, so I think your charge is
3 to show why this can't -- why this can't happen.

4 MEMBER HERNANDEZ: With a smaller room.

5 CHAIRMAN MAMMINA: Right, with a smaller room, and building
6 that walk-in closet where that washer and dryer is, and then
7 maybe you could fit the bathroom in and still -- but then you
8 got another bathroom that's extremely approximate, you know, to
9 there. So that doesn't mean you have to give that answer now.
10 We can continue the hearing.

11 MR. DOWDELL: Well, I think my job is to give them
12 everything they want.

13 CHAIRMAN MAMMINA: Okay.

14 MR. DOWDELL: And they -- we sat down -- we've kicked this
15 design around many times, and we've come to the conclusion that
16 we'd like to ask for this space.

17 CHAIRMAN MAMMINA: I'm sure --

18 MR. DOWDELL: Because its's optimal.

19 CHAIRMAN MAMMINA: I'm sure -- and please, I don't mean to
20 be sarcastic in one little bit, you know. I drive a Honda CR-V.
21 I rather drive something else, but that's what I got. So I
22 think that -- look, we can handle it two ways. We can -- the
23 Board can make a decision and vote. The decision may be that
24 this is perfectly fine, or will give you the opportunity to come
25 back and either show something that is -- that is more compliant
26 or to show us why you can't do it -- because the thing to

1 remember is that whatever we approve here, sets a precedent; if
2 any other application that might come into town, and again,
3 that's the legal precedent concept. We have to make sure that
4 we're doing our job of trying to get for you what you need.
5 Like we said earlier, we're not here to say no, but also trying
6 to make sure that we're giving the minimum that you need in
7 order to achieve them.

8 MR. DOWDELL: I think by take -- so if we modify the design
9 and we lose 100 square feet --

10 CHAIRMAN MAMMINA: I can't tell you what's gonna be okay.

11 MR. DOWDELL: No, I understand that, but I don't know if
12 that's gonna satisfy.

13 CHAIRMAN MAMMINA: I hate to put it this way, that's not
14 something that the Board can permit, you know. That's really
15 not within the points of law. Our job here is not to provide
16 somebody with what they would love to have. We get a lot of
17 gross floor area applications, and we look at them extremely
18 carefully. I hate to start giving examples, but somebody's was
19 over because they had these big SUVs. They were -- both the
20 husband and wife were doctors at North Shore Hospital and needed
21 that other vehicle in order to get that garage two feet wider.
22 We granted that. It's reasonable. We can't get -- somebody
23 else might say, you know, I have a wonderful antique car
24 collection; therefore, I need my garage to be bigger.

25 I think it's important that you understand the why, and
26 again, what our job is, you know, here. What I would say you

1 might want consider, either you or the principal of the firm, go
2 back and read, and I don't mean that as a criticism. What are
3 our powers? What you should be putting out in order to satisfy
4 the zoning board because I would much rather give you the
5 opportunity to go back and take a spin at this, then say, hey,
6 you know, let's let the Board vote.

7 I think from what's here, I think I've put my position
8 forward as Member Hernandez. It doesn't mean that everybody
9 else will agree with that, but again, I'm repeating myself. I
10 think you'll be much better off with a continuance.

11 MR. DOWDELL: Well, I think --

12 MEMBER GOODSSELL: If you want us to consider that is your
13 right, then you can tell us that, but I think you see what
14 direction the Board is going.

15 MR. DOWDELL: If it's denied, then --

16 MEMBER GOODSSELL: Then you go back to the drawing board.

17 MEMBER HERNANDEZ: Start again.

18 CHAIRMAN MAMMINA: But then you start over again with the
19 building department, and it's a whole -- it's a whole different
20 thing.

21 SECRETARY WAGNER: You want to go through the Five Factors
22 on the sheet that's on the podium. The five criteria for the
23 issuance of a variance.

24 MEMBER HERNANDEZ: Someone wants to speak.

25 CHAIRMAN MAMMINA: That's true. We also have a gentleman
26 who wishes to speak. Thank you.

1 MR. DOWDELL: Well, Number 1, we addressed. We don't feel
2 there's an undesirable change.

3 DEPUTY TOWN ATTORNEY ALGIOS: Excuse me. You know what? I
4 just -- just for the record. Instead of saying you don't
5 believe there's an undesirable change, what we tell applicants
6 is to explain why because the why is what's important, so
7 comparative to what's surrounding, surrounding properties; why
8 is there no impact?

9 MR. DOWDELL: Well, there's no impact on this particular
10 property because the conditions that are in violation are
11 neighboring a schoolyard and a parking lot.

12 CHAIRMAN MAMMINA: Its impact on other properties.

13 MR. DOWDELL: What's that?

14 CHAIRMAN MAMMINA: Its impact on other properties because
15 obviously, we --

16 MR. DOWDELL: That's the point I'm making, is that it
17 doesn't --

18 CHAIRMAN MAMMINA: You said to our property. You said
19 there are no impacts to our property.

20 MR. DOWDELL: Oh, I'm sorry. There are no impacts to the
21 neighboring properties. The condition, the setbacks that are in
22 violation don't impact neighbors that live there. The one side
23 is a soccer field. The other side is a parking lot, a public
24 parking lot, so the front setback is a public parking lot. The
25 side yard setback is the soccer field. The only real issue here
26 is the gross floor area.

1 CHAIRMAN MAMMINA: But like I said, that's a very important
2 --

3 MR. DOWDELL: Which is different for a two-family.

4 CHAIRMAN MAMMINA: I would suggest that you continue to go
5 down those Five Factors. I'm not saying that it will happen,
6 but if a neighbor were to decide, they wanted to go down the
7 road and take what's called an Article 78 that is in the -- that
8 is in the law and it gives a neighbor the ability to -- I hate
9 the word sue, but to sue that the Board was wrong, and the
10 application should be denied, and then a judge decides that. We
11 don't want to go there.

12 MR. DOWDELL: All right. Perhaps the owners can speak, or
13 we have a neighbor that can speak?

14 CHAIRMAN MAMMINA: Sure. Anyone who'd like to speak, you
15 know, can speak --

16 MR. DOWDELL: That might help this --

17 CHAIRMAN MAMMINA: -- and a lot of times that's good when
18 the owners are here because then they heard the position of the
19 Board, so. There was one hand that went up, and, you know, so
20 that we stay with continuity, let the owner speak as well, and
21 then we'll have the other gentleman's perspective, you know, put
22 on the record.

23 MR. DOWDELL: Okay.

24 MS. PEREIRA: Good morning, everyone.

25 CHAIRMAN MAMMINA: Please give your name and address.

26 MS. PEREIRA: Helena Pereira, 26 Memorial Place, Manhasset,

1 New York. I've never done this before.

2 CHAIRMAN MAMMINA: Good morning. Just take a deep breath
3 and relax. Remember the kitchen table.

4 MS. PEREIRA: Okay. The reason that I ask for the 400
5 square -- the large bedroom is because we have, you know, we're
6 getting older, medical. My twin sister had high Type A Flu and
7 is very, very sick. She needs hospital beds, oxygen stuff, and
8 I feel that if we get older and we get sick, we both can still
9 have the regular bedroom, the hospital bed, the equipment
10 needed. That was the only reason.

11 The walk-in closet just sounded pretty, but that's not
12 mandatory or necessary if that's the issue. It was just more so
13 that I would have room if they stayed with us or if I get sick,
14 that we are able to have the hospital equipment and whatever is
15 needed in the room in the future. We're not that young anymore.
16 That's it.

17 CHAIRMAN MAMMINA: I hear what you're saying. I mean, my
18 wife and I are 72 this year, and she's in a hospital bed, you
19 know, at home, and she's in the living room, so. I --

20 MS. PEREIRA: Yeah.

21 CHAIRMAN MAMMINA: I understand that and I do think --

22 MS. PEREIRA: But, you know, for privacy. Okay, I
23 understand.

24 CHAIRMAN MAMMINA: I also do think that -- and I'm not
25 being critical of your architect, but, you know, if someone were
26 even in a wheelchair, they can't make the turns that are shown

1 in there. This would not meet those handicaps.

2 MS. PEREIRA: They have very slim -- 'cause again, my twin
3 sister -- they have very slim wheelchairs now for very narrow
4 hallways and all that, because we had to use them for her.

5 CHAIRMAN MAMMINA: Just making a recommendation. You know,
6 it's 3 feet, you know, and -- just telling you if we were to
7 consider this; it's just my suggestion. It's simple enough for
8 the architect to do, but you're gonna want to make sure, you
9 can't get through a 2 foot 2 door, you know, with a wheelchair.

10 MS. PEREIRA: They have slim wheelchairs, but.

11 MR. DOWDELL: It's 3 foot.

12 MS. PEREIRA: It's 3 foot?

13 MR. DOWDELL: It's a 3-foot door.

14 MS. PEREIRA: It's a 3-foot door.

15 CHAIRMAN MAMMINA: I'm reading the two, 2 by 12s.

16 MR. DOWDELL: That's the header.

17 CHAIRMAN MAMMINA: So I'm reading the wrong thing. Okay,
18 so my point is, you know, look, if we were to consider it,
19 that's up to you, but if we were to consider it for handicap
20 accessibility, personally, I would still look at the walk-in
21 closet. I would still look at the configuration of the bathroom
22 laid out differently --

23 MS. PEREIRA: The walk-in closet we can definitely make a
24 regular closet.

25 CHAIRMAN MAMMINA: And I think the bathroom can be
26 configured differently --

1 MS. PEREIRA: Sure.

2 CHAIRMAN MAMMINA: -- as well. And that's all we're saying
3 to your architect. It's not that we hate this. Not at all.

4 MS. PEREIRA: I want -- just want to, you know, again.

5 CHAIRMAN MAMMINA: I'm in the same position. I'm not
6 unsympathetic. I'm empathetic. So the recommendation would be
7 -- and the other gentleman who wishes to speak, we can't forget
8 that; that you go back to the drawing Board. You're not gonna
9 have to wait months. Again, we will get you on the calendar as
10 quickly as we can.

11 MEMBER HERNANDEZ: They don't have to come back.

12 CHAIRMAN MAMMINA: That's true. You can just present it to
13 the Board because we don't have second applications. Thank you,
14 Jay.

15 MS. PEREIRA: Okay, so what's the next procedure then?

16 CHAIRMAN MAMMINA: That we continue this; the application.
17 Continue meaning we continue it because there's -- you'd like to
18 look at what a different configuration might be to minimize what
19 you got, and then your architect can submit that back to Ms.
20 Wagner. She will distribute it amongst the Board, and you write
21 a little narrative with it, and then you may be fine, so.

22 MEMBER GOODSSELL: Ms. Pereira, are you living there now?

23 MS. PEREIRA: Yes.

24 MEMBER GOODSSELL: Are you having trouble negotiating the
25 whole first floor at all?

26 MS. PEREIRA: No.

1 MEMBER GOODSSELL: Is this something could be --

2 MS. PEREIRA: It's the steps. At night, my ankle gets very
3 swollen, and I need -- I'm not able to really climb any steps,
4 so I have a little bit of mobility problem at nighttime more
5 than during the day.

6 MEMBER GOODSSELL: You have plans to put a family member on
7 the second floor?

8 MS. PEREIRA: They own. They're co-owners.

9 MEMBER GOODSSELL: Okay.

10 MS. PEREIRA: They're co-owners.

11 MEMBER GOODSSELL: I didn't look at your deed. Your deed is
12 so old. It's not on the computer. We just want to tell you --

13 MS. PEREIRA: No, Maria.

14 MEMBER GOODSSELL: -- we don't look at how beautiful this is
15 gonna be. That's not our job.

16 MS. PEREIRA: Okay.

17 MEMBER GOODSSELL: We don't look at the fact that nobody
18 else is gonna see this. That's not our job either. Those are
19 not our standard. I'm sure whatever you're building is --

20 MS. PEREIRA: No, the co-owners are gonna be moving
21 upstairs.

22 MEMBER GOODSSELL: Is the upstairs empty right now?

23 MS. PEREIRA: Yeah, they still -- it's done, but they're
24 not gonna be moving till a couple months -- a few months.

25 MEMBER GOODSSELL: Okay.

26 CHAIRMAN MAMMINA: As I said, we are not in the business of

1 saying no. We're residents --

2 MS. PEREIRA: Yeah, we'll -- I'm sorry, sir.

3 CHAIRMAN MAMMINA: We all pay a ton of taxes, but we live
4 here because it's a wonderful place --

5 MS. PEREIRA: Okay.

6 CHAIRMAN MAMMINA: -- to live. I guess just --

7 VICE CHAIRMAN FRANCIS: Yeah.

8 CHAIRMAN MAMMINA: The vice chairman wanted to just add
9 some things.

10 VICE CHAIRMAN FRANCIS: The other point, if in fact you're
11 going to modify the plan to submit to us you, you might also
12 want to submit it to the building department, so that you're
13 crossing all the T's and dotting all the I's, and you don't have
14 an issue when you do -- when we do get it and we make a
15 determination. So submit it to us and submit it to the building
16 department for their review.

17 CHAIRMAN MAMMINA: Your architect seems very competent, you
18 know, and will be able to do that, but we do have another
19 gentleman who would like to speak, so why don't we do that, and
20 -- yeah, then, I think at that point your architect, if you
21 chose to, might want to say, yes, we would like to continue it
22 so that we can put together another alternate plan.

23 MS. PEREIRA: Thank you.

24 CHAIRMAN MAMMINA: Thank you. Will the other gentleman
25 come on up?

26 MR. BURKE: Hi, good morning.

1 CHAIRMAN MAMMINA: Yes, good morning.

2 MR. BURKE: My name is Tim Burke. I own 16 Memorial Place.
3 Next door to 26 Memorial; the property in question. David and
4 his family have made tremendous improvements to this property,
5 and are planning on living there and retiring there permanently,
6 not as an absentee owner, which we see a lot.

7 MEMBER DONATELLI: I'm sorry. Can you repeat that, please?

8 CHAIRMAN MAMMINA: So just speak up just a little bit.

9 MR. BURKE: Oh, sure. So David and his family have made
10 tremendous improvements to the property. They're planning on
11 living and retiring there permanently, not as an absentee owner
12 like a lot of situations.

13 He's only asking for a change -- a slight change to the
14 shape, not changing the footprints of the property. I believe
15 we have more room between our houses and all the structures than
16 most properties are familiar with in Manhasset. It seems
17 commonplace in Manhasset that people are building six- to
18 10,000-square-foot homes, ten feet from each other, you know,
19 and with -- postage stamp front and back lawns.

20 There's only four houses on the south side of Memorial
21 Place. The houses to the west of 26 is a quarter mile away. On
22 the other side is a quarter mile away. My house is at least 60
23 feet from there, which is a lot of room. In the front of them
24 there's a parking lot, and Mary Jane David and Green. The house
25 on the other side of me, the fourth house was sold yesterday.

26 MEMBER GOODSELL: I'm sorry. Was sold yesterday?

1 MR. BURKE: Yesterday.

2 MEMBER GOODSSELL: Okay.

3 MR. BURKE: That's 12 Memorial. David's been a terrific
4 neighbor. Always making sure that the sidewalks are safe. All
5 the, you know, landscaping was done properly.

6 My concern is that if they're not allowed to make these
7 small adjustments to make their retirement comfortable, that
8 maybe they won't continue to live there, and sell to somebody
9 else who would do something differently, so I urge you to, you
10 know, approve their request.

11 CHAIRMAN MAMMINA: We always appreciate when neighbors come
12 down, and we think that's important. It may have impact on what
13 those points of law are. It might not. In this point -- in
14 your instance you have made, have made some good points. You
15 said that the footprint is not being increased. It is, and
16 that's the issue; is that the increase of the footprint is the
17 size of the master bedroom suite, and -- so that's where we are
18 saying that based on the points of law in the zoning resolution
19 and our experience; all of the board members here have been here
20 for a while, and I think we're one of the best Boards -- well, I
21 did appear before this Board when my hair was much longer and
22 very black, so. So we're offering that alternative because we
23 want them to stay. We want them to live comfortably in the
24 house, you know, we're -- our point is we've thrown some
25 suggestions out there, you know. That doesn't mean that that's
26 what they have to do. I think we try to lead in the direction

1 of what we think would be something acceptable to the Board. As
2 I said, we all pay taxes. We've -- everybody has lived here a
3 long time; yeah, so -- I mean, I know where this is. It's right
4 around the corner from here. I sat on the Board when Mary Jane
5 was the chairman for a year, and I came on right after her, but
6 -- so I think that's what we're saying, you know, is maybe go
7 back to the drawing board a little bit, and you can hear, and
8 more importantly your architect hears what we're thinking about,
9 and as I said, this is a very competent guy and can put a sample
10 out there of a modification that he thinks will still fulfill
11 the need to the Pereiras and get this to a point where somebody
12 else can't come in with an application two months, two years
13 from now and say, well, look at what you've done here, and we
14 think we have a similar circumstance. Whether they do or they
15 don't, we rather point to what the decision of the Board was on
16 this application, so we're consistent.

17 MR. BURKE: All right, thanks. I just -- you know, I think
18 I'm the only neighbor that really would be really affected.

19 CHAIRMAN MAMMINA: I agree with it.

20 MR. BURKE: Or, you know, need for -- I can't remember the
21 Article 72 or whatever, and so, we're very happy with these
22 guys, and we wish them very comfortable and stay. Thanks.

23 CHAIRMAN MAMMINA: Thank you. We always love when
24 neighbors get along with each other because too many times
25 that's not the case.

26 I think if the architect wants to come back up. I'll say,

1 Mr. Dowdell, what say you?

2 MR. DOWDELL: I say we continue it and try to satisfy your
3 requirements. Cut it back a bit and see if we can get this
4 addition under the 247 square feet.

5 MEMBER GOODSELL: As close to it as --

6 CHAIRMAN MAMMINA: As close as you can.

7 MR. DOWDELL: I'm sorry?

8 MEMBER GOODSELL: As close to that -- as close to the
9 allowable limit as you can reasonably make it, and we'll
10 consider what you submit.

11 Mr. Chairman, I suggest we continue and give the applicant
12 a chance -- and if the answer is they cannot live with any less
13 than this, then we'll consider it, but I think you can see where
14 the Board is going with this.

15 CHAIRMAN MAMMINA: Okay.

16 SECRETARY WAGNER: And submit a cover letter as to what the
17 changes are.

18 MR. DOWDELL: Of course.

19 CHAIRMAN MAMMINA: Yeah, well, we talked a little bit about
20 it, and I think, you know, and I'll ask Secretary Wagner to tell
21 me if I'm correct. I think that the vice chairman made a good
22 point regarding the building department, but you needn't
23 necessarily go back to, but you have to go back to the building
24 department at some point.

25 MR. DOWDELL: I'd like to keep everybody in the loop.

26 CHAIRMAN MAMMINA: I think it'll be in your best interest

1 to do that. I think the building department will be
2 appreciative of that, and then to me, this is a relatively
3 simple application on that side of the street, and hopefully you
4 would move to that quickly.

5 MR. DOWDELL: Do we come back to present?

6 CHAIRMAN MAMMINA: No.

7 MR. DOWDELL: So as soon as I get that in, we can --

8 CHAIRMAN MAMMINA: Forward that to Ms. Wagner.

9 MR. DOWDELL: Yeah.

10 CHAIRMAN MAMMINA: She will distribute it to the Board
11 virtually the same day.

12 MR. DOWDELL: Understood.

13 CHAIRMAN MAMMINA: So that we get it, and I think this
14 Board understands what it's like to be sitting in the audience
15 on that side, so we'll also do our best to get that back as
16 quickly as possible so that you know where we are on that, and
17 then you can go back to the building department again.

18 MR. DOWDELL: Okay.

19 CHAIRMAN MAMMINA: Get them to say yes you haven't created
20 any new variances. That's what we're concerned of because
21 sometimes that happens, and it's easy for me to say I don't see
22 that here, you know, but --

23 MR. DOWDELL: It's my hope that by taking a certain amount
24 of square footage off that it would appease all involved.

25 CHAIRMAN MAMMINA: That certainly sounds like the right
26 direction.

1 MEMBER HERNANDEZ: You haven't heard us talk about problems
2 with your other variances. I think the other ones are what they
3 are as it's built there.

4 MR. DOWDELL: Yeah.

5 MEMBER HERNANDEZ: But you're asking for a little bit too
6 much of a variance on the gross floor area.

7 MR. DOWDELL: Understood.

8 CHAIRMAN MAMMINA: Okay.

9 MR. DOWDELL: Thank you.

10 SECRETARY WAGNER: One of the reasons we have you send it
11 back to the building department is because, you know, depending
12 on how significant your changes are, if you end up eliminating
13 the variance, then the Board needs to know that so that we're
14 not granting it.

15 MR. DOWDELL: The left hand needs to know what the right
16 hand is doing.

17 SECRETARY WAGNER: Exactly.

18 CHAIRMAN MAMMINA: And thank you to your neighbor for
19 coming down as well, and certainly, my sense would be that, yes,
20 you are wonderful neighbors who are just trying to figure out
21 how the rest of your lives will go.

22 MR. DOWDELL: Thank you.

23 CHAIRMAN MAMMINA: Thank you. We appreciate that
24 Mr. Dowdell. Thank you. Everyone.

25

26 SECRETARY WAGNER: Next Appeal #21666, David and Maryann

1 Canfield; 46 Sherry Hill Lane, Manhasset; Section 3, Block 161,
2 Lot 164; in the Residence A zoning district.

3 Variances from 70-28 and 70-29.B to legalize a raised patio
4 and a stairway to the garage roof that cover too much of the
5 property and additions that make the house too big and cover too
6 much of the property.

7 MR. CANFIELD: Good morning, Board.

8 CHAIRMAN MAMMINA: Hold on. I haven't called it yet.

9 MEMBER HERNANDEZ: Mr. Chairman, I'm going to recuse
10 myself.

11 CHAIRMAN MAMMINA: Okay. Let the record show that Member
12 Hernandez recused himself on this application.

13 You've heard Appeal #21666, David and Maryanne Canfield.
14 Is there anyone in the room who's interested in the application
15 other than the applicant? Seeing no one, please give your name
16 and address.

17 MR. CANFIELD: My name is David Canfield; C-A-N-F-I-E-L-D.
18 My address is 46 Cherry Hill Lane, Manhasset, New York 11030.

19 Good morning, Board. My application contemplates the
20 accommodation of construction that was performed in 2003 and
21 2004, pursuant to a prior application supported by drawings that
22 were generated in March of 2022. I received notification that I
23 had an open permit approximately a year and a half ago that I
24 did not realize. I retained the services of an expeditor, who
25 legalized the house, who closed out the permits that I had open.
26 For reasons I'm not quite sure of, he chose to abandon that

1 prior application, generate his own drawings, and resubmit a new
2 application based upon the existing construction.

3 CHAIRMAN MAMMINA: Your saying, and I apologize for
4 interrupting you. I just wanted to keep it all straight in my
5 head. That in 2022 and 2023, you filed plans with the building
6 department. They were approved. You built what you had to
7 build.

8 MR. CANFIELD: Yes.

9 CHAIRMAN MAMMINA: Or something similar to what I'm saying.
10 You built what was on the drawings. You hadn't closed the
11 permit out, and when the expeditor was then hired to close the
12 permit out, that was when these variances came up.

13 MR. CANFIELD: Yes, and again, for reasons I'm not quite
14 sure of, he recommended and I approved his recommendation that
15 he would generate new drawings, measure the home, and submit a
16 new drawing for consideration by the Board. The Department of
17 Buildings rejected that application, that permit, on the basis
18 of exceeding the FAR and the lot size coverage. What they
19 determined was that based upon on the measurements that my
20 expeditor performed a year that the FAR was 36.8 percent over
21 the permitted square footage of the house by 73 square feet, and
22 that the lot size coverage was at 25.7 percent over the
23 25 percent limitation and that exceeded by some 65 square feet.

24 MEMBER DONATELLI: Which according to my calculation is
25 about three percent overage.

26 MR. CANFIELD: I have for the lot coverage, I have

1 25.7 percent over a permitted 25 percent, and I have for the FAR
2 36.8 percent over 36 percent permitted.

3 MEMBER DONATELLI: Yeah -- well, you're not 36 percent over
4 on lot coverage. You're 65 feet over on the lot coverage, which
5 is about three percent. I'm trying to help you; 36 percent
6 variance would be huge; three percent variance is not.

7 MR. CANFIELD: Oh, yeah, I misspoke. I was referring to
8 the FAR.

9 MEMBER DONATELLI: Right.

10 MR. CANFIELD: The permitted percentage.

11 MEMBER DONATELLI: Right. That's what I thought. So what
12 you're telling us is that the house is already built.

13 MR. CANFIELD: Yes.

14 MEMBER DONATELLI: Everything is already in existence.
15 Were you the owner in 2003?

16 MR. CANFIELD: I was, yes. The architect, John Bruscella,
17 I brought his drawings. I'm sure you have access to those as
18 well from 2002. The construction differed. The actual
19 construction differed only in one respect. There's an elevated
20 porch in the back, a blue stone balcony or porch off of the
21 back, and we extended that out approximately a foot and a half.
22 It's a 15-foot wide porch. Other than that, the construction is
23 identical. There's no variations. What I do see between the
24 two sets of drawings is a difference between the architect's
25 calculations of the square footage. According to
26 Mr. Bruscella's 2022 drawings, the actual construction was

1 actually below the permitted FAR, and he had us at 35.4 percent
2 of the FAR.

3 MEMBER GOODSSELL: Lot coverage.

4 MR. CANFIELD: Rather than the 36 percent.

5 CHAIRMAN MAMMINA: Do you have a set of the approved
6 drawings?

7 MR. CANFIELD: Yes.

8 CHAIRMAN MAMMINA: So those are stamped by the building
9 department?

10 MR. CANFIELD: Yes. Let me double check that.

11 CHAIRMAN MAMMINA: Okay, if you can hand those up.

12 VICE CHAIRMAN FRANCIS: Yeah, you want to submit those to
13 us.

14 MR. CANFIELD: Should I bring them up now?

15 CHAIRMAN MAMMINA: Or you can give it --

16 VICE CHAIRMAN FRANCIS: No, you can give it to --

17 CHAIRMAN MAMMINA: Right here.

18 MR. TUMBARELLO: Should we mark them?

19 CHAIRMAN MAMMINA: Well, if that becomes a -- that becomes
20 a question. Sir, do you -- normally we would mark that --

21 MR. CANFIELD: Okay.

22 CHAIRMAN MAMMINA: -- and you give it us, and then it's
23 ours.

24 MR. CANFIELD: That's my only set of drawings.

25 CHAIRMAN MAMMINA: So that's why I'm saying -- would it be
26 okay just for us to look at them or --

1 VICE CHAIRMAN FRANCIS: Yeah.

2 MEMBER GOODSSELL: I think so.

3 CHAIRMAN MAMMINA: Then he can make a copy.

4 DEPUTY TOWN ATTORNEY ALGIOS: Why don't you just look at
5 them, and note for the record that you're reviewing them, and
6 then you're giving them back.

7 VICE CHAIRMAN FRANCIS: Right.

8 CHAIRMAN MAMMINA: Okay.

9 (WHEREUPON, a discussion was held amongst board members.)

10 MEMBER GOODSSELL: Mr. Canfield, I'm the newest member of
11 the Board, and I've only been here just a little under four
12 years, and I have learned that over the course of 25 years,
13 which is approximately how long you've owned the house, the way
14 the building department does calculations sometimes varies, and
15 even though the architect on the Board will see this right away,
16 I will not. I think that when you build something according to
17 plans that you've submitted that you should be given the benefit
18 of the doubt that you built it correctly. There are people to
19 my surprise that will submit one set of plans and then will
20 build something that's completely different. How that happens,
21 I'm not gonna comment, but this is what we're looking it.

22 MR. CANFIELD: I appreciate that.

23 MEMBER DONATELLI: So I'm looking at these plans that you
24 submitted. I don't see any stamp from the building department.

25 MR. CANFIELD: You know what? I'm sure -- that is the set
26 that I have. I can certainly get a copy from the building

1 department's file.

2 CHAIRMAN MAMMINA: I would think -- the building department
3 keeps generally very careful records of everything.

4 MR. CANFIELD: Yes.

5 (WHEREUPON, a discussion was held amongst board members.)

6 MEMBER GOODSELL: Just out of curiosity. You have an
7 external stair to the deck on the garage roof. Aren't you
8 afraid that people could come onto your property and come up and
9 break into the house?

10 MR. CANFIELD: As part of this project, years ago, what we
11 did is we took out the door that is present on many of these
12 houses that run from the roof deck to the --

13 MEMBER GOODSELL: Correct.

14 MR. CANFIELD: We took that out and put in a casement
15 window. We bricked up, you know, the side of the building, so.

16 MEMBER GOODSELL: So there's really no access from the
17 garage roof into the house on that square feet.

18 MR. CANFIELD: Unless someone is gonna break through a
19 window, which, you know, I guess that could happen.

20 MEMBER GOODSELL: That's the first thing that you comes to
21 me because they're secluded. They're in the back.

22 MR. CANFIELD: Ours too. We made sure that those -- that
23 door was taken out.

24 MEMBER DONATELLI: Sir, do you have any problems when we
25 get heavy ran with drainage, pond water -- or, you know, rain
26 water ponding up on the property?

1 MR. CANFIELD: No. Years ago, I had a dry well -- an
2 additional dry well put in -- the owner of the property. No, I
3 don't.

4 MEMBER GOODSSELL: Is that dry well on your survey?

5 MR. CANFIELD: Let me take a look.

6 MEMBER GOODSSELL: I didn't see that, but I may have missed
7 that.

8 MEMBER DONATELLI: I just note, I think that our records
9 reflect it's about 26 feet away from the concrete patio, and
10 about 13 feet away from the home. So my question is, do you
11 have any problems with your basement flooding, or to your
12 knowledge, do your neighbors have any problems?

13 MR. CANFIELD: No.

14 MEMBER DONATELLI: Any questions?

15 MEMBER GOODSSELL: No.

16 MEMBER DONATELLI: So Mr. Chairman, I am going to note for
17 the record that I believe the variances that are requested which
18 is 73 square feet gross floor area and 65 square feet of lot
19 coverage; really in the neighborhood of two percent variance or
20 three percent variance. These are not large per se. The house
21 is in existence. In my opinion, the cost of remodeling the
22 house to make this compliant would really be very substantial,
23 and the question I have really about drainage has been answered
24 to my satisfaction. There is a dry well that appears to be
25 adequately draining the property, so that therefore, I make a
26 motion that we grant the application.

1 CHAIRMAN MAMMINA: We've a motion by Member Donatelli.

2 MEMBER GOODSSELL: And I'll second.

3 CHAIRMAN MAMMINA: Second by Member Goodsell. Please poll
4 the Board.

5 SECRETARY WAGNER: Member Goodsell?

6 MEMBER GOODSSELL: Aye.

7 SECRETARY WAGNER: Member Donatelli?

8 MEMBER DONATELLI: Aye.

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Vice Chairman Francis?

12 VICE CHAIRMAN FRANCIS: Before I vote, I just want to point
13 out for the record the last time I saw Mr. Canfield was at our
14 graduation from law school 33 years ago. It's good to see you
15 again.

16 MR. CANFIELD: Yes, thank you very much. Nice to see you.

17 VICE CHAIRMAN FRANCIS: You've held up well, and I vote
18 aye.

19 MR. CANFIELD: It went quickly.

20 SECRETARY WAGNER: Chairman Mammina?

21 CHAIRMAN MAMMINA: I vote aye as well. Also, we can return
22 the drawing to Mr. Canfield.

23 MR. CANFIELD: Thank you. The next step would be to
24 receive a decision?

25 CHAIRMAN MAMMINA: You can speak to Ms. Wagner, and she'll
26 tell you.

1 SECRETARY WAGNER: We will email a copy of the decision
2 after it's filed with the Town Board which will be next week.

3 MR. CANFIELD: Thank you.
4

5 SECRETARY WAGNER: Appeal #21668, Sammy Schiff; 21 Beverly
6 Road, Port Washington; Section 5, Block 28, Lot 5; in the
7 Residence A zoning district.

8 Variance from 70-30.C to construct a front porch with
9 portico that is too close to the street.

10 CHAIRMAN MAMMINA: You heard Appeal #21668, Sammy Schiff.
11 Is there anyone in the room interested in the application other
12 than the applicant? Seeing no one, please give your name and
13 address.

14 MR. CINQUEMANI: Good morning. My name is Peter
15 Cinquemani. We're here today seeking a front yard setback
16 variance for a front porch addition in an existing home. It's
17 located in a Residence A district, which is a 35-foot minimum or
18 average setback. The average that we have is 42.4 foot. The
19 existing home is at 40.6 feet, so we're already 1.8 feet into
20 the front yard setback pre-existing. That being said, by adding
21 a porch, which we're trying to do a 5-foot, which would normally
22 be permitted encroachment. We're now into that front yard
23 setback. So with the encroachment and the average, it will be
24 37.4 feet with the 5-foot porch that we're looking to add, we're
25 gonna be at 35.5 inches, which puts us approximately 1.9 feet
26 over the front yard setback. That being said, we think it's a

1 de minimis ask, but that's up to the Board to decide.

2 MEMBER DONATELLI: I guess, if I may jump in. Do you speak
3 Italian?

4 MR. CINQUEMANI: I do.

5 MEMBER DONATELLI: Okay, so for the record, I see only that
6 you have two hands only, not five hands.

7 MR. CINQUEMANI: Well, you know, I'm wearing a jacket.

8 MEMBER DONATELLI: Cinquemani means five hands.

9 MR. CINQUEMANI: It does, yes. That's because we work so
10 hard it looks like we have five hands.

11 MEMBER DONATELLI: Just wanted to make sure that you didn't
12 have any other arms hidden somewhere.

13 MR. CINQUEMANI: My wife's joke is that she was born with
14 two, but when she married me, she got three more, so.

15 MEMBER DONATELLI: Well, hey, we need to add some lefties.
16 Thank you for indulging me.

17 MR. CINQUEMANI: No worries.

18 MEMBER DONATELLI: So the house as it exists right now, is
19 -- what is the setback; 35.5?

20 MR. CINQUEMANI: That's what we're seeking. The existing
21 setback to the home 40.6 foot, and the average is 42.4.

22 MEMBER GOODSSELL: And it's a flat front home, right now?
23 You walk into the front door, right into the house; is that
24 correct?

25 MR. CINQUEMANI: You go up a set of steps, and then through
26 the front door, yes.

1 MEMBER GOODSSELL: When I drove that block, and
2 Mr. Donatelli is the Port Washington person, there are some
3 bizarre sections of town. This one seems a little bit more
4 normal to me. There are a few other houses on the block that
5 have what I believe are similar front porches. For the record,
6 would you just describe the front porch that your clients are
7 looking to build? Is it a porch? Is it a portico? Is it an
8 entry? What is it that they're asking?

9 MR. CINQUEMANI: So we were trying to add the aesthetic of
10 the front of the home because it's -- when you drove past, you
11 saw it. It's very flat in front.

12 MEMBER GOODSSELL: Yes.

13 MR. CINQUEMANI: Roof line coming down.

14 MEMBER GOODSSELL: Yes.

15 MR. CINQUEMANI: So to increase curb appeal, we were
16 originally thinking a portico, and then we were like, you know,
17 it would actually look better with a full front porch on -- the
18 garage is below, so you kind of walk up a little walkway to the
19 front door, so what we did was -- it's a front porch on
20 basically two thirds of the front of the house, which is at the
21 first floor level.

22 MEMBER GOODSSELL: And it's an open front porch; is that
23 correct?

24 MR. CINQUEMANI: It would be open, yes.

25 MEMBER GOODSSELL: And the steps would come from someone
26 exiting the car in the driveway. The steps would come up the

1 side or up the front of the house to the front door; is that
2 correct?

3 MR. CINQUEMANI: Correct, yes.

4 MEMBER DONATELLI: I will note for the record that as we
5 all try to view all the properties that come before us in
6 preparation for a hearing, I did come to take a look at this
7 house, and I'm also very familiar with Beverly Road. I would
8 note that the way the houses are situated on the Beverly Road,
9 Beverly Road tends to be lower than the houses, and the houses
10 tend to sit up substantially higher than street level. I will
11 also note as Member Goodsell was just indicating, there are
12 numerous houses along Beverly Road that do have open porticos
13 and open porches. So you're not looking to enclose any of the
14 structures. You're merely looking to come in to the front yard
15 by two feet for an open portico or porch.

16 MR. CINQUEMANI: Yeah, an open porch. Yeah, exactly, and,
17 you know, part of the issue also is if you look at the survey,
18 the home is askew to the road, so, you know, if we were
19 perfectly at a 90 to the road, we wouldn't be asking for
20 anything. The issue is that because of that angle, we get
21 tighter on the one side, and it happens to be the side where we
22 need the porch as well.

23 You know, and again, currently, if you look at the house,
24 there's no cover on the front door. You walk up, there's, you
25 know, so we're trying to, you know, besides increase the curb
26 appeal here, we're also trying to solve an issue of standing in

1 the rain when you're waiting to get inside.

2 MEMBER DONATELLI: Anyone else have any questions?

3 MEMBER GOODSSELL: I'm fine.

4 MEMBER HERNANDEZ: No.

5 VICE CHAIRMAN FRANCIS: No.

6 MEMBER DONATELLI: Mr. Chairman, having seen the property,
7 having reviewed the application, I note that the proposed
8 addition is not really -- is in keeping with other houses in the
9 neighborhood; therefore, I make a motion that we grant the
10 application.

11 CHAIRMAN MAMMINA: We have a motion from Member Donatelli.
12 Do we have a second?

13 VICE CHAIRMAN FRANCIS: Second.

14 CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis.
15 Please poll the Board.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Member Donatelli?

21 MEMBER DONATELLI: Aye.

22 SECRETARY WAGNER: Vice Chairman Francis?

23 VICE CHAIRMAN FRANCIS: Aye.

24 SECRETARY WAGNER: Chairman Mammina?

25 CHAIRMAN MAMMINA: Aye.

26 MR. CINQUEMANI: Thank you everybody.

1 CHAIRMAN MAMMINA: Application approved.

2

3 SECRETARY WAGNER: Next Appeal #21648, Michael and Melissa
4 Stolper; 59 Litchfield Road, Port Washington; Section 5, Block
5 66, Lot 131; in the Residence A zoning district.

6 Variance 70-29.C(1) to construct additions that would make
7 the house too big.

8 CHAIRMAN MAMMINA: You heard Appeal #21648, Michael and
9 Melissa Stolper.

10 SECRETARY WAGNER: Are these exhibits?

11 CHAIRMAN MAMMINA: Is there anyone in the room who is
12 interested in the application other than the applicant? Seeing
13 no one, please give your name and address.

14 MR. STOLPER: Sure. Michael Stolper, 59 Litchfield Road,
15 Port Washington, New York, and I'm joined here with my wife,
16 Melissa, and architect Janice Miller.

17 CHAIRMAN MAMMINA: Good morning.

18 MR. STOLPER: I will be brief. I heard that I have a
19 little bit more than three minutes, but I'm gonna do by best.

20 VICE CHAIRMAN FRANCIS: No, you have all the time you need.

21 SECRETARY WAGNER: Take as much time as you need.

22 CHAIRMAN MAMMINA: Take your time. That's important.

23 MR. STOLPER: What I'd like to do is to just explain why
24 we're asking for the variance, and what the purpose of this
25 construction project would be, and then I want to address your
26 five points if that's okay, and when it gets to math, I'm gonna

1 leave that to Janice. If that's all right with you.

2 CHAIRMAN MAMMINA: Same for me. I'm an architect because
3 I'm not good at math. I got a bunch of engineers that do my
4 math for me. I can do basic geometry.

5 MR. STOLPER: I'm a lawyer, so you definitely don't want me
6 doing math.

7 VICE CHAIRMAN FRANCIS: That's the reason we became
8 lawyers. No math on the curriculum.

9 MEMBER DONATELLI: They sure fooled us.

10 MEMBER GOODSSELL: Less paperwork.

11 MR. STOLPER: So let me tell you why we want to do this.
12 When we were looking at the house -- we bought the house 20
13 years ago, August of 2004, and you may recall; I don't know if
14 you were all here at the time, the market was hot and seems to
15 continue to be, but back in the 2004, it was very hot. We'd
16 been looking for a year for house. We lived in an apartment.
17 We both grew up in apartments. This was our house. One of the
18 pre -- we knew what we wanted, it just turned out two kids from
19 Queens we're looking for a house and somehow liked central hall
20 colonials, but one of the prerequisites since we both grew up in
21 apartments, and my wife always had to share a bathroom, was that
22 when we got the house, we needed our bathroom. We weren't
23 sharing with our three kids. Seems like a simple request.

24 In 2004, we saw the house on Mother's Day, and we were in
25 contract by Wednesday 'cause she knew when we walked in and saw
26 the house, she gave me the code word if she liked it. Shifted

1 into negotiation mode. We're in contract by Wednesday. We
2 always needed our own bathroom. The one thing we didn't -- when
3 we saw the house, very quickly, the bathroom on the bedroom
4 floor has two entrances. One to the hallway and one to the
5 master bedroom. We were both convinced we had two bathrooms,
6 one of the bathrooms on the bedroom floor. The house is three
7 and a half bath, five bedrooms. We were convinced we had two
8 bathrooms. Well, lo and behold, we've got one bathroom on that
9 thing. We were hoodwinked, but we missed it ourselves. So you
10 can guess which one of us has been using the downstairs bathroom
11 for 20 years, so.

12 We've been waiting 20 years to make an improvement to the
13 house to add a bathroom to that second floor. We just -- now is
14 the time where we thankfully, we've got, you know, the money to
15 do it, and we had to have a -- make a decision. Do we want to
16 move? Do we want to stay or move? And we got the -- we're
17 blessed -- three grandparents for the three kids, and they're
18 getting older, and we're anticipating that within the next
19 couple of years, some combination of those grandparents will be
20 moving in with us.

21 Since we came from apartments, our house is the house we do
22 Christmas. We do Chanukah. We do all the holidays. We use the
23 house. So that's sort of the context for why we decided to
24 expand.

25 Now, I handed up some exhibits. There's some photos in the
26 order. The -- I don't know if it came through in the drawings.

1 Maybe, Mr. Donatelli, if you actually saw the house, you can see
2 it's funny looking. Yeah, if you look at that very first
3 picture.

4 MEMBER GOODSSELL: We've all seen your house. Everyone
5 drives past every house.

6 MR. STOLPER: Oh, that's great. If you look at that very
7 first picture; I put them in order. You can see, there's a side
8 view from Mitchell, and you can that it's sort of funny looking.
9 That extension that you see there without anything above it is
10 our kitchen, and it was -- we've never touched the house in 20
11 years, but a -- nothing was ever built above the kitchen.

12 So what we're asking and what we asked Janice to do is
13 build out over that kitchen so that we can then add a bedroom
14 and a bathroom to that second floor, and that's effectively what
15 the variance is seeking. There's also a slight bump out that we
16 wanna do to add a mudroom.

17 Right in that picture that you're looking at, the side of
18 the kitchen, just bump it out a little bit, but it wouldn't be
19 as far out as the sunroom that you see to the right in that
20 picture. So what the -- the mudroom and what we're asking is
21 not gonna extend in any direction towards the neighbor beyond
22 what's already there effectively.

23 The mudroom piece of it is that I've got three active kids;
24 baseball, lacrosse, dancing. We'd like to have a place to put
25 some shoes and some jackets that don't stink up the house. So
26 that's effectively what we're doing with what we're asking for.

1 If you look at the second picture that I got, it's a rear
2 view. You can get a better look at -- it's just sort of funny
3 looking. It's funny shaped. I don't know. I wasn't there for
4 any of the build. I think this was -- it's a 1926 house, I
5 believe. I don't know when any of this was built or the kitchen
6 was extended, but it's sort of odd shaped, and there's nothing
7 right above that kitchen, so we're looking to build right above
8 that.

9 I added the third picture, which is the -- this is from
10 Google Maps. Just an aerial view. You may have noticed, we --
11 I went and spoke to all eight of the neighbors that you had
12 asked me to contact ahead of time. We sent them -- we
13 subsequently sent them the notice of today. We sent both
14 certified mail and regular mail, but I wanted to talk to each of
15 my neighbors to make sure everybody understood what we were
16 doing and that nobody had an issue and all consented and
17 everybody thought it was a good idea to raise property values.

18 The key thing and the reason I have this picture up is
19 because my understanding, and I leave it to Janice for the
20 numbers, but that -- in terms of floor area and lot size, we're
21 below the percentages 'cause we have a large size lot. The
22 reason that we're sort of penalized from my perspective, but to
23 comply with the law, I guess, we have two frontages because
24 we're a corner lot. My understanding is that if we're willing
25 to take down the garage, which is on Mitchell, close to the
26 street -- you can see -- actually I think it may be the last

1 picture. I took a picture of the garage.

2 MEMBER GOODSSELL: The garage almost looks like it doesn't
3 belong with the house.

4 MR. STOLPER: Yeah.

5 MEMBER GOODSSELL: It's a different color and it faces a
6 different street.

7 MR. STOLPER: Oh, well, it's only a different color because
8 --

9 MEMBER GOODSSELL: You ran out of yellow paint?

10 MR. STOLPER: We bought the house from a lady who is from
11 Sweden, and her husband was a Nobel Prize winning professor at
12 Columbia, and when he passed away, she painted the whole house
13 yellow, and the cabinets inside blue. I'll tell you they're no
14 longer blue. When we do this project, the house will be white
15 with black shutters. That's what my wife has also wanted. So
16 we started with the garage. We're working our way to the house.

17 MEMBER GOODSSELL: Gotcha.

18 MR. STOLPER: So my understanding is from Janice, and if I
19 get this wrong, she can clarify for me, is that if we knock down
20 the garage and move the garage to the back corner of the lot --
21 of the back yard, then we can build up to 5,000 square feet
22 because of lot size. We'd have a lot more room to do this. I
23 think we're asking for 284 square feet, something like that; to
24 not have to move that garage.

25 To address your five points. If we were to move that
26 garage to the back corner of the lot, then we'd have to build a

1 driveway. We'd have to build a driveway, either right through
2 the back yard, which makes no sense, or we'd have to do it down
3 the side of house, and that's what the picture is -- following
4 picture is from the front view from Litchfield Road. Tried to
5 show you from the street just go -- you can see where the
6 driveway would have to go. There's trees and shrubbery that I
7 think add quality to the neighborhood and certainly to the
8 neighbors that I wouldn't want to have to touch, and if you just
9 thumb through those pictures, you can see where a driveway would
10 go and it would make no sense to really have to do that.

11 If we were to build a garage in that back corner of the
12 lot, I'm now impacting all four homes, right? I'm now driving
13 with car dust and light down -- there's a pathway with trees.
14 I'm now driving down there, and I'm parking in the back, and
15 that's gotta impact the two neighbors in the -- all three
16 neighbors that I share a fence with, and so it makes no sense to
17 do that, so I think in terms of your first criteria; any
18 undesirable change? I think it's the opposite. I think --
19 fixing a house, the funny shape of the house makes the house
20 more attractive and more balanced, and then it creates more
21 value for the neighbors' comps.

22 I think the -- it avoids the detrimental impact -- you
23 asked what code requires for me to respond; does it create any
24 detriment to the nearby property? I think I was just saying,
25 it's actually the opposite. By not having to put the garage in
26 the back, I'm not creating something detrimental, so I think

1 it's -- it actually -- the variance would actually help the
2 neighbors and the community at large, and I pointed out that all
3 eight neighbors signed off, had no opposition to it.

4 One of the questions is, are the benefits achieved through
5 any other means? I wish there were another place to put that
6 bathroom in the bedroom, but I would have done it probably
7 sooner, but it makes no sense to do anything else but to build
8 above that kitchen.

9 CHAIRMAN MAMMINA: Any other means could easily be to knock
10 the garage down and move it back, but you're stating the reasons
11 why that.

12 MR. STOLPER: Say for that? I'm sorry.

13 CHAIRMAN MAMMINA: That would not be logical.

14 MR. STOLPER: I'd expect the lawyers on the panel to
15 correct me for that one, but yes.

16 CHAIRMAN MAMMINA: I stand on your side of the podium.

17 MEMBER GOODSELL: Never underestimate the power of an
18 architect and his red pen.

19 CHAIRMAN MAMMINA: That's right.

20 MR. STOLPER: One of the questions that I have to answer;
21 is the area variance substantial? That's more a Janice
22 question. I think with context, but I think 284 square feet in
23 the context of my lot size, I think the answer to that is no. I
24 think what we're asking for is 1.6 percent. I get that again
25 for her, so I take no ownership other than passing it on. I
26 think there were questions about percentage. How much you're

1 asking? I think the variance is seeking 1.6 percent of maybe
2 the FAR. I think we're below. Like I said before, I believe
3 our FAR percentages are well below except because of the double
4 frontage and not moving the garage, we got a 4,000 square foot
5 max square foot improvement, but again, everything I just said
6 for the last 30 seconds, I'm out of school, and that's really
7 more for Janice.

8 For the reasons I gave on the adverse effect on the
9 environmental conditions, I think avoiding trees and the
10 greenery to replace with a driveway and garage, and all those
11 points, I think answer that criteria in favor of the variance.
12 I'm not sure how to answer the question of whether this is
13 self-created? I know certainly adding a bathroom to the second
14 floor, you know, eases a 20-year problem for me but --

15 MEMBER GOODSSELL: They are always self-created, but we
16 don't consider that a determining factor. That's one factor
17 that we consider.

18 CHAIRMAN MAMMINA: You bought the property.

19 MR. STOLPER: I bought the property.

20 CHAIRMAN MAMMINA: So it's always self-created.

21 MR. STOLPER: Theoretically, I should have known what I was
22 getting, and what was there, so I stand with what we bought.

23 CHAIRMAN MAMMINA: In an area variance, none of them are
24 damning.

25 MR. STOLPER: Okay.

26 CHAIRMAN MAMMINA: If you were a use variance, yes, you

1 must meet all.

2 MR. STOLPER: And you know, we both -- my wife and I both
3 work from home. As I said, we're very family centric, and the
4 house gets a lot of use with three kids and extended family, so
5 this will be very helpful to us.

6 There was some question about precedent. It could be a
7 concern with granting a variance and how that impacts future
8 property. I think because of semi-uniqueness of my property
9 with a corner lot, the oddity of the kitchen, I think the way
10 it's shaped currently, granting a variance that allows us to
11 build over an existing piece of the building should minimize --
12 I don't think I can say eliminate but certainly minimize any
13 precedential concern in granting the variance. I think that's
14 all I had with my notes. I don't know if Janice had anything
15 else.

16 MS. MILLER: No, you've done a great job.

17 MR. STOLPER: I didn't do math, though. Did I miss
18 anything?

19 MS. MILLER: No, I don't think so.

20 CHAIRMAN MAMMINA: There'll be a math test after.

21 MR. STOLPER: Oh, she never told me about that.

22 MEMBER DONATELLI: I'm going to throw a question out there.
23 I don't know if you can answer it.

24 MR. STOLPER: Okay.

25 MEMBER DONATELLI: But do you have a ballpark figure as to
26 what it might cost to actually tear down the garage and to move

1 it further back?

2 MRS. STOLPE: We didn't price it.

3 MS. MILLER: No.

4 MR. STOLPER: We didn't price it. I think if you were to
5 say to me that we'd have to do that, I think we'd probably have
6 to scrap the plans because it destroys the property. We'd be
7 ruining the back yard, and for reasons I said, the side yard is
8 impractical, so I think we would have to scrap it and we can
9 revisit our plans to either stay or go.

10 MEMBER DONATELLI: My guess it would be a very substantial
11 expense.

12 MR. STOLPER: Oh, there's no question. I just couldn't
13 give you a specific number.

14 MEMBER GOODSSELL: Then the substantial expense is a two-car
15 garage, not just a one-car garage because you have an existing
16 two-car.

17 MR. STOLPER: Could we get a two-car back there?

18 MS. MILLER: No.

19 MR. STOLPER: That's another thing. You couldn't get a
20 two-car back there. I left that out, so thank you for asking.

21 MEMBER GOODSSELL: It would alter the character of the
22 property by moving the garage. Again, we're looking for ways
23 that you can comply because if you listened to the first case on
24 today, they're also asking for a variance with GFA. You do have
25 some different circumstances, but --

26 MR. STOLPER: We have no walk-in closets. We actually have

1 a shortage of closets.

2 MEMBER DONATELLI: Well, with three kids in the house, no
3 wonder.

4 MR. STOLPER: I know.

5 MEMBER DONATELLI: I'm just gonna make some comments for
6 the record. I know Litchfield. Litchfield is a beautiful road.
7 It's very old. I think it's probably one of the oldest roads in
8 Port Washington. I would note for the record, as you so capably
9 have done that your lot is actually oversized.

10 I will also note for the record that had it not been for
11 the garage that your house would have probably qualified for
12 what we call a bump up to a Residence AA, which would then mean
13 that you can do what you're seeking to do of-right, but, of
14 course, you don't qualify for bump up but for the garage.

15 You are requesting a variance that is actually similar to
16 the other case that we heard this morning, not exact but it's
17 similar, but one of the reasons why, in our opinion, the Town
18 Board did approve for bump up to zoning was to try to reward
19 people who have larger lots that are otherwise required, to
20 allow for some flexibility to build a larger house rather than
21 somebody come and try to subdivide it or do something like that.

22 I am familiar that sometimes -- and I recall one case. I
23 think it was approved perhaps five or six years ago on Beacon
24 Hill Road, where he also had a large lot, and they would have
25 qualified for a bump up, but for one or two minor issues.

26 In my opinion, this would be distinguishable from many of

1 the cases where people do present for a variance. This is
2 clearly an example of where a bump up in zoning would have been
3 appropriate but for the garage.

4 Does anyone else have any questions?

5 MEMBER GOODSSELL: There was no qualification in the bump up
6 in the first call.

7 MEMBER DONATELLI: That's right.

8 Mr. Chairman, I congratulate the applicant for making such
9 a succinct and well-reasoned argument.

10 MR. STOLPER: Thank you.

11 MEMBER DONATELLI: If you ever want a job; just kidding for
12 the record. I make a motion that we grant the application for
13 the reasons stated.

14 CHAIRMAN MAMMINA: We have a motion from Member Donatelli.
15 Do we have a second?

16 VICE CHAIRMAN FRANCIS: Second.

17 CHAIRMAN MAMMINA: Second by Vice Chairman Francis. Please
18 poll the Board.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Goodsell?

22 MEMBER GOODSSELL: Aye, but I just want to comment again for
23 record that this property qualified -- would qualify for a bump
24 up, which in my opinion is a big distinguishing factor from the
25 previous case we heard today, so I also vote aye.

26 SECRETARY WAGNER: Member Donatelli?

1 MEMBER DONATELLI: Aye.

2 SECRETARY WAGNER: Vice Chairman Francis?

3 VICE CHAIRMAN FRANCIS: Aye.

4 SECRETARY WAGNER: Chairman Mammina?

5 CHAIRMAN MAMMINA: I vote aye also for the same reasons
6 that were said by Mr. Donatelli.

7 MR. STOLPER: Thank you. Thank you very much.

8 MEMBER DONATELLI: Good luck to you.

9

10 SECRETARY WAGNER: Appeal #21669, Ajay Vasudevan; 7 Colby
11 Road, Port Washington; Section 6, Block 42, Lot 119; in the
12 Residence B zoning district.

13 Variance 70-40.C to construct additions to a home that
14 would be too close to the street.

15 CHAIRMAN MAMMINA: You heard Appeal #21669, Ajay Vasudevan.
16 Anyone in the room interested in the application other than the
17 applicant? Seeing no one, good morning, Mr. O'Connell.

18 MR. O'CONNELL: Good afternoon, Chairman, Members of the
19 Board. For the record, my name is Todd O'Connell, architect.
20 Doing business at 1200 Veterans Highway, Hauppauge, New York.
21 Architect for the Ajay Vasudevan, who's here with me this
22 evening, back there.

23 Why we're here before you today is to request a variance
24 for essentially a second-floor addition and a front porch. This
25 house is a nonconforming structure. It does not conform with
26 today's codes. We're not worsening the setbacks. Everything

1 that we're proposing before you today is going to maintain the
2 existing setbacks of the home itself.

3 On the north side of the house, not the entire home, we're
4 building a second floor. That's on the primary front yard of
5 Colonial Road. Unfortunately, Colonial Road yields at 29.3
6 front yard setback, but with the average front yard setback,
7 31.12 would be required. So we feel that's a minor request
8 being that it's maintaining a pre-existing setback. We're not
9 making it any closer to the street. Architecturally speaking,
10 we feel it might actually look strange holding it in a foot, and
11 obviously, for the character of the neighborhood, we to want the
12 home to feel, you know, pleasant to the community itself.

13 The other variance is on Colby Road, where we're building a
14 front porch. The home currently yields 22.3-foot front yard
15 setback to the existing structure. We're going to be
16 maintaining that setback on the left side of the house for an
17 open porch. It will always be open. It's a, you know, a field
18 out porch. One of the things is that they'll use it, but it
19 also adds some character to the home itself.

20 The second floor on Colby Road is setback an extra foot. A
21 little further from the street. We're actually at 23.3 feet to
22 the -- where the second floor portion of the house starts. But
23 once again, we're not going outside the parameters of what the
24 existing home currently is. We don't feel it's gonna create an
25 undesirable change to the community. In fact, we feel that, you
26 know, if you've seen the plans, we think it's gonna add some

1 nice character to the neighborhood.

2 So it's a -- we feel it's very de minimus request that's
3 before you, especially being that we're maintaining the setbacks
4 of the existing home itself. You know, we've -- I've been
5 working with Ajay probably close to a year, and of course, we
6 did, you know, go back and forth with different ideas. I
7 explained the issues, and we decided the best plan to put
8 forward is what we've proposed before you today.

9 We don't -- it's not gonna have any adverse impact on the
10 surrounding neighborhood. Again, we're not changing the
11 setbacks or the zoning of what's already there. We're not
12 changing the averages that are currently in place because we're
13 maintaining what's already there.

14 Although this is a self-created application, again, the
15 house is what it is. It's already there. We wish the house,
16 you know, conformed with the required setbacks, but
17 unfortunately, it does not, and that's all of what brings us
18 before the Board today, and with that, I'd love to answer any
19 questions you may have.

20 CHAIRMAN MAMMINA: The question that I have is, what is the
21 difference between that average front yard setback and where you
22 are on the proposed addition?

23 MR. O'CONNELL: The average -- on which street?

24 CHAIRMAN MAMMINA: On Colonial.

25 MR. O'CONNELL: On Colonial, the average is 31.12 is what
26 the average is, and we're proposing 29.3.

1 CHAIRMAN MAMMINA: And that's the --

2 MR. O'CONNELL: So it's just over a foot.

3 CHAIRMAN MAMMINA: So that's the present setback.

4 MR. O'CONNELL: Present setback, correct.

5 CHAIRMAN MAMMINA: So you're aligning with that --

6 MR. O'CONNELL: With that wall.

7 CHAIRMAN MAMMINA: -- one-story portion.

8 MR. O'CONNELL: That's correct. That is correct, and part
9 of this is just to, you know, create a nice master suite for him
10 on the upper level; bathroom, you know, it's a good spot for --
11 from where the existing staircase is, it's the prudent area to
12 expand the master suite without destroying the entire second
13 floor.

14 CHAIRMAN MAMMINA: And that's an open porch?

15 MR. O'CONNELL: Yes, it's an open porch, and agreed to
16 remain open for, you know, life of this home. It's a -- we feel
17 that it's really going to, you know, add some character to the
18 house, and I'm sure that as an architect, you can see how it
19 kind of created a nice roof line skirting across, and you know,
20 creating some nice curb appeal.

21 MEMBER DONATELLI: Is there -- I would note that you have a
22 Colby Road address, but I guess your primary front yard is on
23 Colonial Road.

24 MR. O'CONNELL: Code-wise, primary is on Colonial, but the
25 house does face Colby.

26 MEMBER DONATELLI: You're not requesting any variance for

1 the secondary front yard on Colby; is that correct?

2 MR. O'CONNELL: That is correct.

3 MEMBER GOODSSELL: And you have no GFA issues?

4 MR. O'CONNELL: No GFA issues, correct.

5 MEMBER GOODSSELL: That's purely request of setback, and the
6 setback variance needed would be 1.82 feet.

7 MEMBER DONATELLI: Right. Anything further?

8 MEMBER GOODSSELL: No.

9 MEMBER DONATELLI: Mr. Chairman, I would note for the
10 record that this is going to be an open porch, and even though
11 it is on a corner lot and many times we're presented with
12 requests for variances on a corner lot that are much more
13 problematic. This is a 1.82-foot request for variance on
14 Colonial only. It does not create any secondary front yard
15 setback variance, so -- and I think within keeping with the
16 other houses in the neighborhood; therefore, I make a motion
17 that we grant the application.

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

20 MEMBER HERNANDEZ: Second.

21 MEMBER GOODSSELL: Second.

22 CHAIRMAN MAMMINA: I'm gonna give this one to Member
23 Hernandez. Please poll the Board.

24 MR. O'CONNELL: Before you poll the Board or close; just
25 might as well add it. We have all the neighbors sign in favor
26 of this.

1 MEMBER GOODSSELL: Okay.

2 SECRETARY WAGNER: That will be Exhibit 1.

3 CHAIRMAN MAMMINA: So we have a motion and a second.

4 Please poll the Board.

5 SECRETARY WAGNER: Member Goodsell.

6 MEMBER GOODSSELL: Aye.

7 SECRETARY WAGNER: Member Hernandez?

8 MEMBER HERNANDEZ: Aye.

9 SECRETARY WAGNER: Member Donatelli?

10 MEMBER DONATELLI: Aye.

11 SECRETARY WAGNER: Vice Chairman Francis?

12 VICE CHAIRMAN FRANCIS: Aye.

13 CHAIRMAN MAMMINA: I'd like to add on; just kind of
14 piggyback on what Member Donatelli said. Also, this aligns with
15 the existing setback.

16 MR. O'CONNELL: That's correct.

17 CHAIRMAN MAMMINA: And it is an open porch, which is one
18 story with a roof, which is common in that area. So if I was
19 standing on Colonial, I wouldn't see any further projection, and
20 I think if I was standing on Colby, I wouldn't look at, and say,
21 oh, my gosh, so I say aye as well.

22 MR. O'CONNELL: That's correct. Therefore, no undesirable
23 effect.

24 CHAIRMAN MAMMINA: Okay. Thank you very much.

25 MR. O'CONNELL: Thank you.

26 CHAIRMAN MAMMINA: We appreciate it.

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SECRETARY WAGNER: Next Appeal #21670, Vincent and Michele Tancredi; 32 Crestwood Road, Port Washington; Section 6, Block 46, Lot 8; in the Residence B zoning district.

Variances 70-39.C & 70-208.F to construct additions to a nonconforming home that would make the home too large and results in the expansion of a nonconforming dwelling.

CHAIRMAN MAMMINA: You've heard Appeal #21670. Is there anyone in the room interested in the application other than the applicant? Seeing no one, please give your name and address.

MR. QUATELA: My name is Frank Quatela, architect. I'm doing business at 36-07 169th Street, Flushing, New York 11358.

Good morning, Chair, Members of the Board. As I stated, my name is Frank Quatela. Representing Vincent and Michelle Tancredi, the owners of 32 Crestwood on the variance.

The residence located at 32 Crestwood is an existing two-story detached single-family home situated on a 12,148.05-square-foot lot within the R-B zoning district. Our proposal involves the extension of a second floor within the existing building's footprint. The addition will include two additional bedrooms. The overall lot coverage will remain unchanged as the additional span is above the existing single-story portion or previously filed rear extension on the building.

The proposed changes -- and I'll get to the talking points later. The proposed changes will not impact the existing

1 nonconforming yard conditions, which include a front yard
2 setback of the 28.9 feet less than the required 30 feet, and the
3 side yard of 6.8 feet less than the required 7 feet as part of
4 the R-B Zoning Regulations. The existing nonconforming
5 conditions have been formally documented and accepted as
6 previous renovations have been approved for this dwelling in the
7 past, including an application #11-109232, which was filed by
8 myself. The addition of 597.87 square feet at the second floor
9 bringing the total gross area of the residence to 3,661.39
10 square feet exceeds 3,400 square feet maximum allowed under the
11 R-B Zoning Regulations. However, according to Article 4,
12 Residence B, Section 70-39C1; properties with lots larger than
13 8,500 square feet may exceed the 3,400 square feet maximum floor
14 area provided they comply with the regulations of the R-A
15 district. Our property is 12,148.05 square feet, which is in
16 addition to the 8,500, which should qualify for the bump up as
17 the Department of Buildings has defined the term; if met, all
18 the other provisions for the R-A district.

19 We're respectfully requesting that the Board consider this
20 exception as our property's yard dimensions do not currently
21 comply with those required by the R-B district, and the proposed
22 addition does not increase the levels of noncompliance for
23 components. The request is for the additional floor area of
24 261.39 square feet to be considered, and the existing yard
25 conditions to also remain unchanged at the northern portion of
26 the property and the western portion of the property, the front

1 yard and the side yard.

2 I'd like to just go over the principle points. Whether the
3 addition will create an undesirable change or change anything
4 that is characteristic of the neighborhood if the grant variance
5 was granted? The proposed addition will not result in any
6 undesirable change to the character of the neighborhood or cause
7 detriment to the nearby properties. The 597.87 square feet
8 expansion is confined to the second floor of the residence
9 making it minimally visible from the street and ensuring that
10 the overall lot coverage, and the -- as you see the property
11 from above would remain unchanged.

12 Whether the benefits sort by the applicant; myself and the
13 Tancredis can be achieved by some method feasible for the
14 applicant to pursue other than area variance? The benefit sort
15 by myself cannot be achieved by any other feasible method other
16 than the proposed addition because any change to the building's
17 floor area or any application that would come before the
18 Department of Buildings would have to be presented to this Board
19 because of the existing noncompliant yard conditions.

20 Whether the requested area variance is substantial? The
21 requested area variance of 200 -- I'm sorry, I'm reading. I'm
22 nervous. If I'm speaking too fast, please let me know. The
23 requested area variance of 261.39 square feet is not
24 substantial. The previously approved nonconforming yard
25 conditions did not prevent the ability. To reference Article 4;
26 Residence B; Section 70.39C.1, the proposed increase would be

1 under the maximum permitted floor area of 4,000 square feet per
2 Article 4; Residence A zone 70.29C.

3 Will the proposed variance have an adverse effect or impact
4 the physical environment conditions of the neighborhood or the
5 district? We feel that it will not have an adverse impact on
6 the physical environment conditions of the neighborhood or the
7 district. The addition is confined to the second floor at the
8 rear of the property minimally visible from the street. It does
9 not change the characteristics of the front of the building as
10 seen from the street.

11 Whether the alleged difficulty was self-created? It was
12 obviously self-created. The house is existing. We purchased
13 the property with the -- well, the Tancredis purchased the
14 property with the existing nonconforming conditions, and -- that
15 is it.

16 SECRETARY WAGNER: Did you receive the emails I forwarded
17 to you?

18 MR. QUATELA: I just received --

19 SECRETARY WAGNER: Okay.

20 MR. QUATELA: I was actually sitting there, and I read it.
21 I was sort of taken back by it because they made a comment about
22 --

23 SECRETARY WAGNER: You just might want to address the
24 issue.

25 MR. QUATELA: Should I read it?

26 SECRETARY WAGNER: You don't have to read the email, but

1 you can respond to the comment made.

2 MEMBER HERNANDEZ: The email is part of the record already
3 once they submit.

4 SECRETARY WAGNER: Yes.

5 MR. QUATELA: Okay, so I'm not certain who actually sent
6 the email. The person could obviously not be present here to
7 testify, but they -- the neighbor; I'm not certain who it is,
8 made a comment about the current people living in the building,
9 I guess, friends and the children of the Tancredis frequently
10 running through their back yard to get the balls that they play
11 with in the back yard, which to me seems a bit odd that anybody
12 would complain about this. That's what everybody should be
13 doing is playing ball in their back yard, and they also made a
14 comment about, if I remember correctly, diminishing green space
15 of the neighborhood and the sale in the district where the
16 houses are a bit quaint and sort of smaller in scale. Well, our
17 application does not propose to diminish any green space. We
18 are proposing the second-floor addition over the existing lot
19 coverage or the -- the small one-story addition that was
20 previously filed, so the green space remains unchanged. I
21 believe there was only one --

22 SECRETARY WAGNER: No, there were two emails.

23 MR. QUATELA: I'm not certain of the second one sent.

24 MEMBER DONATELLI: There was another email that I'm
25 actually going to at the moment, and again, this is part of the
26 record, indicating concern about the impact of the character of

1 the neighborhood. This person moved to Port Washington because
2 it's picturesque and not dominated by overly large expansion
3 homes. Allowing homeowners to build larger homes without regard
4 to current zoning regulations will destroy the quaintness of our
5 community. This would impact the habitats of local wildlife.
6 It could negatively impact values and the visual appeal of the
7 neighborhood.

8 MR. QUATELA: Maybe I mixed -- I probably put the two
9 emails together I believe.

10 SECRETARY WAGNER: Okay.

11 MR. QUATELA: We're not diminishing -- this application
12 does not propose to diminish any green space. It's minimally
13 visible from the street. The street's front characteristic
14 remains unchanged, so. That's our comment.

15 MEMBER DONATELLI: What is -- do you know the proximity
16 offhand? I don't recall it. I know Roxbury Road. What is the
17 proximity of the applicant's house to Roxbury Road?

18 MR. QUATELA: I'm not certain -- no, I have the distance
19 from Salem but not Roxbury. I would have to go back and check
20 it. I don't believe the survey even indicated that 'cause it
21 was quite a bit away.

22 MEMBER DONATELLI: I'm an individual from Port Washington.
23 I know Crestwood quite well. It's actually a beautiful street
24 with typically very well situated houses set back from the front
25 and from the sides, so I've always thought that Crestwood was
26 really a jewel of Port Washington, and I know that I passed by

1 Roxbury but offhand I don't recall the proximity of Roxbury to
2 Crestwood.

3 MEMBER HERNANDEZ: The houses are back to back.

4 MEMBER DONATELLI: Back to back.

5 MEMBER HERNANDEZ: Houses on Roxbury would be the back
6 yards of the houses on Crestwood.

7 MEMBER DONATELLI: Thank you.

8 MEMBER HERNANDEZ: And there's plenty of separation between
9 the --

10 MR. QUATELA: Our rear yard is 71.3, so if that -- I'm not
11 certain who the neighbor is, but if that is the neighbor to the
12 rear, it's 71 feet from ours.

13 MEMBER HERNANDEZ: Plus theirs.

14 MR. QUATELA: Plus theirs. There is, you know, quite a bit
15 of grass and green space in between. I know the Tancredi boys
16 do play sports, and they're out there, and they're active, and
17 that's sort of the reason for the request for the additional
18 bedrooms and variances.

19 MEMBER GOODSELL: So -- but for 6.8-foot side yard setback,
20 this property would qualify for the bump up, and therefore, the
21 additional space without a variance. However, the 6.8-foot is
22 between the property line and a structure, which appears to have
23 been there for -- the one-story addition appears to have been
24 there for many, many years. What is the practicality of making
25 this house compliant in order to build?

26 MR. QUATELA: Okay, so you have the entire set of drawings

1 there. I'm only going to reference the plot plan, but within
2 that .2 feet encroachment into the 7 foot required yard, there's
3 a garage and a master bathroom. I looked, I referenced the
4 plans one more time. There's quite a bit of plumbing that would
5 be involved; tile work, windows, siding, framing, and so on, so
6 it would be quite costly to sort of go through that just to
7 bring the building into compliance with the R-A.

8 MEMBER GOODSSELL: So it is not a practical --

9 MR. QUATELA: It is not practical.

10 MEMBER GOODSSELL: -- condition to remove and to comply with
11 the required side yard setback.

12 MR. QUATELA: Correct. Too costly.

13 MEMBER DONATELLI: Just to be clear. When we're talking
14 about the bump up, we're talking from Residence B to Residence
15 A. It's different from the --

16 MR. QUATELA: Correct.

17 MEMBER DONATELLI: -- prior application which was Residence
18 A to Residence AA, but had your client qualified for the bump
19 up, then they would have been entitled to 4,000 square feet, and
20 the reason why they're not entitled to the bump up is as Member
21 Goodsell said is for the .2 of a foot --

22 MR. QUATELA: Right.

23 MEMBER DONATELLI: -- so it's approximately three inches or
24 so --

25 MR. QUATELA: Around.

26 MEMBER DONATELLI: -- of the side yard setback. Does

1 anyone else have any questions or comments?

2 VICE CHAIRMAN FRANCIS: No.

3 MEMBER GOODSSELL: I'm good.

4 MEMBER DONATELLI: We try to be consistent in our
5 decisions. We, as the chairman said at the opening remarks,
6 perhaps in the first case, we're cognizant that the decisions
7 that we make can be used as precedent and should be relied on as
8 precedent. So for the very same reasons as we've granted other
9 applications, and other applications this morning, I believe
10 that but for these approximately three inches your client would
11 have qualified for the bump up, and therefore, I would make an
12 application that we grant the application. I think this is in
13 keeping with the character of the neighborhood. It is not
14 expanding the footprint of the house. It's merely building in
15 the existing footprint, so I make a motion that we grant the
16 application.

17 CHAIRMAN MAMMINA: We have a motion to grant.

18 MEMBER GOODSSELL: The other comment I'll say -- but the
19 other comment I'd like to make is that we have considered the
20 objections that were emailed to us, and we find that while they
21 raise certain points, they do not determine our decision, so
22 therefore, I will second the motion.

23 CHAIRMAN MAMMINA: We have a second then by Member
24 Goodsell. Please poll the Board.

25 SECRETARY WAGNER: Member Goodsell?

26 MEMBER GOODSSELL: Aye.

1 SECRETARY WAGNER: Member Hernandez?

2 MEMBER HERNANDEZ: Aye.

3 SECRETARY WAGNER: Member Donatelli?

4 MEMBER DONATELLI: Aye.

5 SECRETARY WAGNER: Vice Chairman Francis?

6 VICE CHAIRMAN FRANCIS: Aye.

7 SECRETARY WAGNER: Chairman Mammina?

8 CHAIRMAN MAMMINA: Aye.

9 MR. QUATELA: Thank you.

10 CHAIRMAN MAMMINA: Thank you.

11

12 SECRETARY WAGNER: Next Appeal #21671, Qin Cang; 131

13 MacGregor Avenue, Roslyn Heights; Section 7, Block 49, Lot 839;
14 in the Residence C zoning district.

15 Variance from 70-50.C to construct additions and a portico
16 that are too close to the street.

17 CHAIRMAN MAMMINA: You heard Appeal #21671, Qin Cang, 131
18 MacGregor Avenue, Roslyn Heights. Is there anyone in the
19 audience who's interested in the application? Seeing no one,
20 name and address, please.

21 MS. LASPISA: Diana Laspisa with Morano Expediting Service,
22 at PO Box 39, Bethpage, New York 11714.

23 Good morning, Chairman, Members of the Board. I'm here on
24 behalf of the property owner. We're requesting permission to
25 construct a second-floor addition as well as rebuild the
26 existing front portico. The property is zoned Residence C,

1 which requires a front yard setback of 40 feet. We are
2 proposing a 31.5 front yard setback from the second-floor
3 addition on the easterly side of the home, and a 29.1 setback to
4 the proposed reverse gables in the front of the home. The
5 proposed setbacks are already established from when the home was
6 built, and we are not proposing to encroach any further.

7 The existing first floor of the home has a very close
8 concept, which reduces the size and limits the use of each
9 communal area. The second floor consists of three small
10 bedrooms, a full bath, and is very limited on closet space. The
11 proposed alterations and additions are to create a more
12 functional living space for my client and her family. This
13 proposed open concept will allow them to increase the kitchen.
14 They need more counter space while being able to maintain a
15 reasonable size living and dining room. The second floor will
16 still maintain three bedrooms; however, the layout would be much
17 more functional and would allow for each room to have a
18 reasonable size closet, and this will also allow for the
19 creation of a master suite with master bath.

20 In regards to the front portico, the required setback is 35
21 feet, and we are proposing a setback of 23.77 feet. This is a
22 small 36-square-foot roof over the stoop that existed prior to
23 my client purchasing the home in June of 2012. We know that it
24 existed at least prior to 2000 as per the county's site, and she
25 believes it was built with the home. Since, it is very old and
26 the masonry is cracking and it is in disrepair, we are just

1 proposing to rebuild within the same foot print of what
2 currently exists. Again, there will not be any further
3 encroachment into the front yard, and it's simply to prevent her
4 from being exposed to the elements when she's coming home with
5 groceries getting into the home.

6 We don't feel the variance will produce a negative impact
7 on the neighborhood or adjacent properties. This parcel is
8 surrounded by three lots. The lot to the north is the fire
9 department, to the east is a commercial office building, and to
10 the west is a residential home, which we are maintaining the
11 proper required setbacks off all the abutting parcels. Many of
12 the homes in the area have made similar improvements to their
13 properties and the setbacks of this nature are common.

14 The variance request that is before you is not considered
15 substantial. The relief being sought is simply to maintain the
16 nonconformity of the already established setbacks.
17 Unfortunately, the benefit cannot be achieved by an alternative
18 being that the home does not currently conform as it originally
19 existed. This home was built in 1928.

20 The proposal would have no environmental impact as this is
21 a proposed second story above. No trees or shrubs will need to
22 be removed, and although -- I know some may believe that the
23 difficulty is self-created as the owner is the one proposing the
24 expansion; however, we do feel that the difficulty was more
25 created at the time when the home was originally built as it is
26 a nonconforming.

1 I do also just wanna state for the record that when
2 calculating the average setback, there's five homes that are
3 within that calculation. One of those homes, which is lot
4 number 47 is setback substantially from the road. That's the
5 only one out of the five homes. That house is setback 88 feet.
6 Essentially, entirely in the back yard. If we didn't have that
7 one house factored into this, and we said that house was -- and
8 I know that's not how it's calculated was 29 feet. Similar to
9 the others, we'd be looking at an average front yard setback of
10 28 feet.

11 CHAIRMAN MAMMINA: It does skew your calculations.

12 MS. LASPISA: Correct. Correct. And it's -- I think
13 it's the --

14 CHAIRMAN MAMMINA: That's a valid point.

15 MS. LASPISA: -- one oddity in the neighborhood really.
16 The majority of the neighborhood is consistent with what we're
17 proposing.

18 I don't know if the Board has any questions.

19 MEMBER GOODSELL: I give your client credit because she's
20 living next to two kind of commercial properties. A fire
21 department, God help her, and a commercial property --

22 MS. LASPISA: Correct.

23 MEMBER GOODSELL: -- immediately next door, and the fact
24 that she is willing to purchase a property and improve the
25 property, is the gateway to that particular street. It's the
26 first house on the block.

1 MS. LASPISA: Correct, and it's only one lot in from, you
2 know, Willis Avenue as well, so there's a lot of negatives, so
3 these slight improvements -- I know the Board isn't here for
4 aesthetics, but, you know, those reverse gables, just that
5 cosmetic curb appeal will drastically improve, you know, her
6 home for resale value down the road, and also improve her
7 quality of living without hindering any further of the zoning
8 code.

9 MEMBER GOODSELL: I did look at the one lot that skews the
10 average, and I don't find its proximity is so close that you
11 would say, oh, the applicant's house clearly sticks out closer
12 to the street than the other houses on the street. It's really
13 not -- it's not noticeable.

14 CHAIRMAN MAMMINA: While it's not conclusive per se, the 88
15 feet is kind of what double, the 29 feet are all of those -- and
16 just for the record because I will say, in terms of a
17 self-created hardship, it always is, even though, yes, when
18 you're making 1928 houses, zoning didn't exist at that point,
19 but once she bought it, it did exist, but that's not in any way
20 damning to the application.

21 MEMBER HERNANDEZ: I'd just like to point out that it is an
22 open portico rather than closed portico.

23 MS. LASPISA: Correct, and it will always be maintained and
24 refined with the condition of that.

25 CHAIRMAN MAMMINA: Whomever?

26 VICE CHAIRMAN FRANCIS: I'll move it. Mr. Chairman, for

1 all the comments that were made, I will move the application be
2 granted.

3 CHAIRMAN MAMMINA: Okay, we have a motion by the vice
4 chairman. Do we have a second?

5 MEMBER HERNANDEZ: Second.

6 CHAIRMAN MAMMINA: Seconded by Member Hernandez. Please
7 poll the Board.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSSELL: Aye.

10 SECRETARY WAGNER: Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 SECRETARY WAGNER: Member Donatelli?

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Vice Chairman Francis?

15 VICE CHAIRMAN FRANCIS: Aye.

16 SECRETARY WAGNER: Chairman Mammina?

17 CHAIRMAN MAMMINA: Aye. The application is granted.

18 MS. LASPISA: Thank you. Have a good day.

19

20 SECRETARY WAGNER: Next Appeal #21654, Muhammad and Malika
21 Begawala; 46 Dogwood Road, Albertson; Section 7, Block 305, Lot
22 19; in the Residence A zoning district.

23 Variance 70-100.2.A. to legalize a fence that is too tall.

24 CHAIRMAN MAMMINA: You heard Appeal #21654, Muhammad and
25 Malika Begawala. Is there anyone in the room interested in the
26 application other than the applicant? Seeing no one, please

1 give your name and address.

2 MR. BEGAWALA: Hi, good morning or good afternoon as of
3 right now. My name is Muhammad Begawala. I live at 46 Dogwood
4 Road. I've been living there for 12 years, yes.

5 CHAIRMAN MAMMINA: Good morning.

6 MR. BEGAWALA: Good morning -- good afternoon. It's 12:02.

7 CHAIRMAN MAMMINA: Yeah.

8 MR. BEGAWALA: Just made it.

9 CHAIRMAN MAMMINA: That's the lucky time of the day.

10 MR. BEGAWALA: I hope so. I hope so. Keep fingers
11 crossed.

12 VICE CHAIRMAN FRANCIS: Tell us about your application.

13 MR. BEGAWALA: Yeah, sure. So I purchase the house in
14 October of -- 12 years ago. My math is off. I had an old fence
15 there. It was a wooden fence. I bought the house like that.
16 At that time, I didn't know what the legality or the code was.
17 We just purchased the house. The fence was very dilapidated, so
18 we just had to replace the fence. I replaced the fence exactly
19 the way I had purchased the house. I didn't plus or minus in
20 any way; height-wise or dimension-wise. Essentially, I'm trying
21 to update my house, and I was told that I'm out of code for that
22 fence, so that's why I'm here. That's the high level of my
23 application.

24 MEMBER GOODSELL: Mr. Begawala, you're in my territory now.

25 MR. BEGAWALA: Okay.

26 MEMBER GOODSELL: I'm the Herricks person. I went to

1 Herricks. I have friends in the neighborhood.

2 MR. BEGAWALA: Great.

3 MEMBER GOODSSELL: Okay, nice neighborhood. Very nice
4 neighborhood.

5 MR. BEGAWALA: Beautiful neighborhood.

6 MEMBER GOODSSELL: When you say you replaced an old fence,
7 how high was that old fence?

8 MR. BEGAWALA: It was the same exact height that it is
9 right now, so when my fence guy came, I told I just want to
10 replace this. I don't want to make it higher or lower. So now
11 just a --

12 MEMBER GOODSSELL: That was my next question. Was it you
13 who replaced the fence, or did you hire a company to do that?

14 MR. BEGAWALA: So we hired a company to do that, and if I
15 may just add some color of my property. I'm on a corner lot.
16 My property is very irregular. So on one side -- on two sides
17 actually you have steep drops. On actually, one, two, three.
18 And one side it's flat from the street. I actually brought some
19 pictures as well. So essentially my property is very irregular,
20 and we wanted to keep the fence the same height. I have three
21 kids. They all play in the back yard. You're a Herricks
22 person. All three my kids are on the athletic team at Herricks.
23 They play basketball, and they play softball. My older daughter
24 is a softball pitcher, so what ends up happening, is the balls
25 go into the neighbor yards. They're nice enough to let us get
26 them all the time. They're very understanding. So essentially,

1 again, those -- there's very steep drops on that side of the --
2 on many sides of my property, so I just wanted to make sure I
3 keep the fence the same height.

4 MEMBER GOODSSELL: The fence company that you hired, can you
5 estimate what year you hired them?

6 MR. BEGAWALA: Yeah, sure, it was a -- I'm gonna say it
7 was, off the top of my head, maybe six years ago; six to
8 seven years ago.

9 MEMBER GOODSSELL: Okay, because we've had fence regulations
10 for easily 20, 25 years.

11 MR. BEGAWALA: Yeah, I'm sure.

12 MEMBER GOODSSELL: The fence company we'd like to know
13 because they should know that there should be a permit, and when
14 the company comes in for a permit, the town says, okay, bring
15 the survey, shows us how high, and where you want the fence, and
16 the town before the fence even goes up, is like, no, we don't
17 allow that. We do allow this.

18 MR. BEGAWALA: Right.

19 MEMBER GOODSSELL: Now, you do have a very unlevel piece of
20 property.

21 MR. BEGAWALA: Right.

22 MEMBER GOODSSELL: It's a hill.

23 MR. BEGAWALA: Correct.

24 MEMBER GOODSSELL: You already know already all about
25 arborvitae because you have planted arborvitae on your one side
26 of your house.

1 MR. BEGAWALA: On the one side.

2 MEMBER GOODSSELL: Or the prior owner did, which gives you
3 some privacy.

4 MR. BEGAWALA: Right.

5 MEMBER GOODSSELL: Which you can have grow to 12 feet tall
6 if you wanted to.

7 MR. BEGAWALA: Right.

8 MEMBER GOODSSELL: But unfortunately, we have fence
9 regulations.

10 MR. BEGAWALA: Sure.

11 MEMBER GOODSSELL: I'm just going to look at your survey.
12 Where did the town site you as having the fence too high?

13 MR. BEGAWALA: Yeah, so it's actual on a -- so it's on one
14 side -- it's on -- so I have an awkward property. I think I
15 have like two side yards.

16 MEMBER HERNANDEZ: Excuse me. Let me ask him a different
17 question, so he'll be able to answer that better. Looking at
18 your survey, your property is almost a triangle.

19 MR. BEGAWALA: Yes.

20 MEMBER HERNANDEZ: Because your front suit sort of
21 curves --

22 MR. BEGAWALA: Like a baseball diamond.

23 MEMBER DONATELLI: Yes.

24 MEMBER HERNANDEZ: Then you have two neighbors only, so
25 your property comes to point in the back.

26 MR. BEGAWALA: Yes, exactly.

1 MEMBER HERNANDEZ: Your house faces what we would call flat
2 side of the triangle; one of the flat sides.

3 MR. BEGAWALA: Right.

4 MEMBER HERNANDEZ: So it's not really flat. It sort of
5 curves. So your back yard is really a point. Your back yard is
6 truly a triangle coming down.

7 MR. BEGAWALA: Correct.

8 MEMBER HERNANDEZ: Your house makes the third, the base.

9 MR. BEGAWALA: Base, yes.

10 MEMBER HERNANDEZ: Except for access to the back yard.

11 MR. BEGAWALA: Sure.

12 MEMBER HERNANDEZ: So we can argue in a way that those
13 fences though it isn't straight across the back of your house,
14 it is really the back of your house.

15 MR. BEGAWALA: Yeah.

16 MEMBER HERNANDEZ: Except that it comes to a point.

17 MR. BEGAWALA: Sure.

18 MEMBER HERNANDEZ: The code that Patricia was referring to
19 is that in the back of your house, the fence that traditionally
20 goes parallel to the back of your house, you can do six feet.
21 In your case that is not parallel because it comes to a point.

22 MR. BEGAWALA: Yes.

23 MEMBER HERNANDEZ: So sort of like, is it your side yard,
24 which is supposed to be five, or is it your back yard, which it
25 could be six, so that's --

26 MR. BEGAWALA: It's subjective to interpretation.

1 MEMBER HERNANDEZ: You have a very, very unique --

2 MR. BEGAWALA: Unique property.

3 MEMBER HERNANDEZ: -- property size shape.

4 MR. BEGAWALA: Yes.

5 MEMBER HERNANDEZ: And therefore back yard.

6 MR. BEGAWALA: Correct, yes.

7 MEMBER HERNANDEZ: Because it is a triangle.

8 MR. BEGAWALA: Very unique, correct.

9 MEMBER HERNANDEZ: Let them finish their discussion and
10 then we'll talk.

11 MR. BEGAWALA: Please.

12 (WHEREUPON, a discussion was held among Board Members.)

13 MEMBER GOODSSELL: We are confirming among ourselves because
14 you have a true pie shape piece of property.

15 MR. BEGAWALA: Yes.

16 MEMBER GOODSSELL: If I had to pick which side of your
17 property was the side yard and which was the rear yard, I
18 couldn't do it because you have a front yard and two side yards
19 as impossible as that seems.

20 MR. BEGAWALA: Correct.

21 MEMBER GOODSSELL: Now, the fence that you have put up, it's
22 a white PVC fence; is that correct?

23 MR. BEGAWALA: White PVC fence, yes.

24 MEMBER GOODSSELL: It is 6 foot all the way around wherever
25 the white fence is?

26 MR. BEGAWALA: It depends on which side of the property

1 you're standing. If you stand in my back yard and if I'm
2 looking then it's like up to here, but if you stand on the
3 outside part where the hill starts, then obviously it's 6 feet,
4 so it's --

5 MEMBER GOODSSELL: No, we don't measure from the hill. We
6 measure from the ground, where the fence is to the top of fence,
7 so if I pointed, you can clearly tell me this is 6 foot; this is
8 6 foot; this is 6 foot.

9 MR. BEGAWALA: Right, so again, so if I'm standing in the
10 -- I understand what you're saying. If this fence and I'm on
11 the inside part, the fence comes to up here, which makes it 5
12 foot, but if I go right outside and I stand here, the fence
13 comes up here because the drop is so steep.

14 MEMBER GOODSSELL: Interesting.

15 MR. BEGAWALA: Yes. So it's really -- the same thing on
16 the other side as well. It's because of the drop is so steep,
17 it depends on where you're standing, and the other thing I would
18 like to add is, I was told -- again, I want to make sure I'm in
19 -- I'm not in violation. My fence is in no way any kind of
20 hindrance to any kind of oncoming traffic in either direction.
21 It's about 30 to 40 feet off of the sidewalk.

22 MEMBER GOODSSELL: It's not a front yard fence, correct?

23 MR. BEGAWALA: No, it's not.

24 MEMBER GOODSSELL: It's not a front yard fence.

25 MR. BEGAWALA: It's not.

26 MEMBER GOODSSELL: If you had a square piece of property, I

1 would consider it a rear yard fence.

2 MR. BEGAWALA: Yeah.

3 MEMBER GOODSSELL: But as I say, I do note that, you know
4 all about arborvitae. You've planted a row of trees, which
5 gives you a fair degree of privacy, but which does not block the
6 curve because the trees end, and then you have your house, and
7 then you go around the curb.

8 MR. BEGAWALA: Correct, they don't block the curve.

9 MEMBER DONATELLI: We're trying to find a way to help you.

10 MR. BEGAWALA: Please.

11 MEMBER DONATELLI: And still be mindful of the effect on
12 the neighborhood. Do you have, as you're standing on the
13 street, Dogwood Road, looking at your house, on the right side,
14 you have a brick walkway leading to the back of the house; is
15 that correct?

16 MR. BEGAWALA: I don't -- brick? Yes, yes, yes. I have a
17 picture of that right here.

18 MEMBER DONATELLI: Is there a gate where that brick walkway
19 is leading into your back yard?

20 MR. BEGAWALA: So yeah, we're talking about the gate now.
21 So before, when I had an old fence -- this is pertinent. That's
22 why I'm bringing it up. My house was actually broken into from
23 the back, so this new fence, I can lock the gate, which I do
24 when we're away, so no one can just hop it. It's harder to hop
25 from the outside in. It's easier to hop from the inside out; if
26 that makes any sense.

1 MEMBER DONATELLI: So there is a gate there.

2 MR. BEGAWALA: There is a gate there.

3 MEMBER DONATELLI: You keep it locked.

4 MR. BEGAWALA: Yes, I keep it locked, correct.

5 MEMBER DONATELLI: So you really don't use that brick walk
6 to access your back yard?

7 MR. BEGAWALA: No, rarely. Maybe my kids, if they're
8 playing in the back yard, and you know, we're going to their
9 game. They may be shooting around before their games, but other
10 than that, no.

11 MEMBER DONATELLI: And again, standing on Dogwood Road and
12 looking at your property from the front, on the left side of the
13 house, is there any gate on that fence that leads from the
14 corner of your house to the rear line?

15 MR. BEGAWALA: Yeah, so there is a gate there. Again, we
16 lock that gate on our way out as well.

17 MEMBER DONATELLI: You really don't use that as well?

18 MR. BEGAWALA: No, that's not used. It's almost like if
19 this was a perfect square, that line is like this. It's
20 awkwardly incongruent with the sidewalk. The sidewalk will be
21 here, but the property line is like there.

22 MEMBER DONATELLI: So one of the questions -- one of the
23 ways we're trying to help you is, would you agree as the
24 homeowner to plant arborvitae in front of your fence to shield
25 the fence from the front?

26 MR. BEGAWALA: Yeah, sure, I can.

1 MEMBER GOODSSELL: Not in front of the gate. Not to make
2 the gate unusable. In front of the fence. You know all about
3 arborvitae because you have them.

4 MR. BEGAWALA: Yeah, so -- I'm sorry. I may not be
5 understanding the question. So I already have arborvitaes in
6 front of one of the fences. That's already done. It's on the
7 other side where there's plants there. So you're asking if I
8 would plant arborvitaes in front of the fence.

9 MEMBER DONATELLI: Do you have a photograph?

10 MR. BEGAWALA: I do.

11 MEMBER DONATELLI: I think you said you have a photograph.

12 MR. BEGAWALA: Yeah, I do. Can I bring it up?

13 MEMBER DONATELLI: Yes, please.

14 SECRETARY WAGNER: So this will be Exhibit 1.

15 MR. BEGAWALA: And I apologize ahead of time. My printer
16 decided to give me a hard time.

17 MEMBER DONATELLI: No worries.

18 MR. BEGAWALA: So this is the one side of the house where
19 it's off the sidewalk, and this is the arborvitae in front of
20 the --

21 SECRETARY WAGNER: On the other side.

22 MR. BEGAWALA: Yeah.

23 MEMBER DONATELLI: Okay, they're not yellow arborvitae.
24 That's your printer.

25 MR. BEGAWALA: Yes, yes, my apologies on the printer.

26 MEMBER GOODSSELL: It died.

1 MR. BEGAWALA: Yeah.

2 (WHEREUPON, a discussion was held amongst Board Members.)

3 MEMBER DONATELLI: So the arborvitae that you're showing us
4 in this photograph is toward the street; is that correct?

5 MR. BEGAWALA: Correct, and it just completely shields the
6 other side of the fence because my kids -- that side yard even
7 though it's unlevel, my kids used to go out and play on that
8 side yard, and it was very exposed to the street when they were
9 small. They used to play. They used to play baseball and
10 catch. I just couldn't take the risk of their ball going to the
11 street without me supervising them at all times.

12 MEMBER DONATELLI: I would just note that the photographs
13 that you handed up, they screen quite well. The -- even though
14 they are at the street close to the sidewalk, they screen quite
15 well the fence on the right side of the house.

16 MR. BEGAWALA: On the right side, okay.

17 MEMBER DONATELLI: I would note, however, that your
18 plantings on the left really don't screen that fence on the left
19 side. So my question is, would you, as the homeowner, be
20 willing to screen by planting arborvitae or some other type of
21 plant to screen the left fence, the fence on the left side of
22 that house, with some plantings that would screen that?

23 MR. BEGAWALA: Absolutely, sure.

24 MEMBER GOODSSELL: Except for the gate.

25 MEMBER DONATELLI: Except for the gate.

26 MR. BEGAWALA: Except for the gate.

1 MEMBER GOODSSELL: So you plant in front of the gate and
2 then have to guide through the bushes to get to the gate.

3 MR. BEGAWALA: I mean, we really don't even use it -- yeah,
4 sure, if that -- absolutely.

5 MEMBER DONATELLI: We're trying to balance the desires of
6 the Town Board with your desires to maintain the fence.

7 MR. BEGAWALA: Appreciate it.

8 MEMBER DONATELLI: We're not trying to give you a hard
9 time.

10 MR. BEGAWALA: Thank you.

11 MEMBER DONATELLI: We're trying to screen it from public
12 view.

13 MR. BEGAWALA: Thank you.

14 MEMBER DONATELLI: We've done this on occasion in the past,
15 and your property is certainly it's quite unique.

16 MR. BEGAWALA: Yeah.

17 MEMBER DONATELLI: In terms of how the house is situated
18 and how your back yard --

19 MEMBER GOODSSELL: How your back yard is situated.

20 MEMBER DONATELLI: -- is situated.

21 MR. BEGAWALA: Yeah.

22 MEMBER DONATELLI: Would you be willing to --

23 MR. BEGAWALA: Yeah, absolutely. Yeah, 100 percent.

24 MEMBER HERNANDEZ: And again, if you remove them from being
25 directly in front of the fence in the gate, you can sort of
26 stagger them, you can still have access to the gate by going

1 around the trees.

2 MR. BEGAWALA: Yeah, I can -- 100 percent.

3 MEMBER HERNANDEZ: Even without the gate.

4 MR. BEGAWALA: Sure.

5 MEMBER GOODSELL: It will not be quite so apparent that
6 your fence doesn't meet code.

7 MR. BEGAWALA: A 100 percent, no problem.

8 MEMBER DONATELLI: I would note also that your planting of
9 the arborvitae on the right side is -- as appears from the
10 photograph is really quite effective. You really created a very
11 affective screening, even though it's far in front of where the
12 fence is.

13 MR. BEGAWALA: Yeah, and it meets my kids' requirement
14 'cause, like I said, they go play ball out there and the ball
15 just hits the bush and it just comes back. It doesn't go to the
16 street 'cause Dogwood is a busy street.

17 MEMBER DONATELLI: Okay, so this is Albertson. I guess, if
18 there's no other further questions, I'll make a motion,
19 Mr. Chairman, that we grant the application subject to the
20 planting of arborvitae or some other evergreen that would
21 effectively screen the left portion. As you're looking at the
22 house, the fence on the left, except for the gate that we
23 exclude any plantings there, and we require 6-foot planting.

24 MEMBER HERNANDEZ: Yeah.

25 VICE CHAIRMAN FRANCIS: Yeah.

26 MEMBER GOODSELL: I would second that.

1 CHAIRMAN MAMMINA: Okay, so we have a motion from Member
2 Donatelli. We have a second from Member Goodsell. Please poll
3 the Board.

4 SECRETARY WAGNER: Member Hernandez?

5 MEMBER HERNANDEZ: Aye.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSSELL: Aye.

8 SECRETARY WAGNER: Member Donatelli?

9 MEMBER DONATELLI: Aye.

10 SECRETARY WAGNER: Vice Chairman Frances?

11 VICE CHAIRMAN FRANCIS: Before I vote, I will just say for
12 the record that the uniqueness of the configuration of this
13 property is what really, I think, swayed us to grant this
14 application.

15 MR. BEGAWALA: I appreciate it.

16 VICE CHAIRMAN FRANCIS: I would say aye as well.

17 MR. BEGAWALA: Thank you.

18 CHAIRMAN MAMMINA: Before I vote, just for clarity's sake,
19 because this is difficult, that determines the uniqueness of the
20 street as well. When we're saying the left side, we're
21 pointing, I guess, to Ridge Road, and when we're saying Dogwood,
22 we're pointing, headed to the right side.

23 MR. BEGAWALA: Is it -- just to be 100 percent sure. I
24 know what you're saying, but can you just point to me in
25 the exhibit that I just showed you, just to be.

26 CHAIRMAN MAMMINA: Sure. If you want, we can even put a

1 little marking on it.

2 SECRETARY WAGNER: So --

3 MR. BEGAWALA: In the exhibits that I -- yeah.

4 MEMBER HERNANDEZ: Just show him the picture. Show him the
5 picture that he handed in.

6 SECRETARY WAGNER: So you just have to put the arborvitae
7 on this side.

8 MR. BEGAWALA: The one that doesn't have it?

9 SECRETARY WAGNER: Yeah.

10 MR. BEGAWALA: Okay, perfect.

11 CHAIRMAN MAMMINA: Just for the record, also, Member
12 Donatelli just said asking me did I vote? I said, maybe I
13 didn't formally. I vote, aye.

14 VICE CHAIRMAN FRANCIS: Say the words.

15 CHAIRMAN MAMMINA: Yes.

16

17 SECRETARY WAGNER: Appeal #21673, Fabio Ghirardello; 23
18 Tenth Street, Carle Place; Section 10, Block 265, Lot 13; in the
19 Residence B zoning district.

20 Variance 70-42.7 to construct a new home with an eave which
21 is too high (exceeds the maximum permitted height).

22 CHAIRMAN MAMMINA: Appeal #21673, Fabio Ghirardello. Is
23 there anyone in the room interested in the application other
24 than the applicant? Seeing no one, please give your name and
25 address.

26 MR. GHIRARDELLO: Fabio Ghirardello, G-H-I-R-A-R-D-E-L-L-O,

1 of 23 Tenth Street in Carle Place, New York 11514.

2 Good afternoon, Chairman and the Board. I'm here with my
3 wife Yvonne and our architect Dennis Cook. He's right in the
4 back. We're seeking here approval for a permit for a new
5 construction, a new dwelling. We are rebuilding our house and
6 as part of the design of the new house, the roof is right
7 triangle, which is an odd shape in that corner. The high corner
8 is not necessarily very high but it is higher than the permitted
9 eave or the boarder of the house. I'm not good with the
10 technical term but my architect fill me in that. We're seeking
11 permit for that.

12 The reason why we want to build the house in that shape is
13 because we want to build a passive house, a net-zero house. A
14 house that doesn't use gas. As house that uses instead
15 techniques such as very tight envelope, good installation, and
16 solar panels to allow the house to be net-zero, so it will
17 produce electricity by harvesting the solar energy to use it for
18 the heat pumps that will heat and cool the house all year along.
19 It's important for solar panel efficiencities that the roof is in
20 a particular shape and a particular angle, given the latitude
21 where the house and the sides. As we are Long Island with the
22 best or the most optimal angle where -- of the roof it should be
23 around 32 to 33 degrees, hence the design of the house. With
24 that, the aspects of the right triangle exceed the allowable
25 footage for the eave.

26 VICE CHAIRMAN FRANCIS: Is your house oriented north, south

1 or east, west?

2 MR. GHIRARDELLO: The house in my lot the size on the
3 street, Tenth Street that it stretches from east to west, so the
4 house is almost perfectly south facing slightly maybe towards
5 west, but for all intents and purposes likely south facing, so
6 the roof of that size of the -- faces the road. So from the
7 point of view of our road looking at the house as I envision it
8 to be built, it looks like a house with a roof, and it's nothing
9 -- it doesn't stand out, so with the point of the does it look
10 weird in the neighborhood? Will it make the neighborhood look
11 different? Not particularly. There are many other houses that
12 have been rebuilt that are in my neighborhood bigger; bigger
13 with grand gables in front.

14 MEMBER GOODSELL: There's a house eight houses away from
15 you on the corner under construction, which looks massive to me.

16 MR. GHIRARDELLO: They are -- when we moved there 12 years
17 ago, it was all small Levitt, and fair enough some were bump --
18 they bump the top floor and et cetera. Now, they're knocking
19 them down, and they're building as big as they can. As big as
20 the lot allows like the one you seen on my road at the end of
21 the corner with type of -- some of them Peachtree Lane, so
22 that's a -- that's a trend. Mine is not necessarily big. It's
23 not necessarily bulky or abnormal, so a particular -- is just
24 that the roof has a particular shape to favor solar panel
25 installation and solar harvesting.

26 CHAIRMAN MAMMINA: Where my house is on Titus, I can throw

1 a rock and hit that new house that's under construction, and it
2 is huge. It's all framed out. Now, it's completely framed, but
3 as you said, it fit the neighborhood. They'll sell it for \$1.5.

4 MR. GHIRARDELLO: Right.

5 CHAIRMAN MAMMINA: It is what it is, but your roof does
6 face the south, and I think another thing is that the sky plane
7 is not violated by this, nor is the maximum height of that ridge
8 line in there, so I don't want to say maybe the building
9 department is being a little bit fuzzy in terms of this. I
10 understand, you know, and look, I can't disagree with that, but
11 again, it's no taller than what is permitted, and, you know, it
12 doesn't face the street. It's a very unique shape. You're not
13 gonna find that anyplace else in our whole part of that Levitt
14 development, but it kind of is what it is. It's fine, and I
15 don't see your neighbors in the back saying, oh, my gosh,
16 because they could be looking at a full roof.

17 MEMBER HERNANDEZ: There is one number that I'd like to
18 ask. Maybe your architect may have to answer, but I'm assuming
19 that the front of your house does not violate the ridge height;
20 is that correct?

21 MEMBER DONATELLI: Eave height.

22 MEMBER HERNANDEZ: It's only the rear that violates the
23 height. I just want to make sure that is the case.

24 MR. COOK: Dennis Cook. I work for William J. Cook
25 Architects, 45 Route 109, West Babylon, New York.

26 Yeah, the front doesn't. It meets the eave height. It's

1 actually lower. It's only 18 or 19 feet, which is below the
2 required.

3 MEMBER HERNANDEZ: I also commend the architect because you
4 could have easily cheated on this because you have cut off two
5 feet of the roof and created a rear slant down to 22 feet, you
6 would have an eave height of 22 feet.

7 MR. COOK: Yeah.

8 MEMBER HERNANDEZ: It would've looked very strange.

9 MR. COOK: It would've looked very awkward if we did that.

10 MEMBER HERNANDEZ: But it would have legally been fine,
11 okay, so I appreciate that you didn't do that.

12 VICE CHAIRMAN FRANCIS: That would've been in compliance.

13 MEMBER HERNANDEZ: Would have been compliant, yes.

14 MEMBER DONATELLI: I was gonna drive home the point that
15 since the house is south facing, since you're trying to maximize
16 the solar collectors on the roof, that it's actually a necessity
17 to have the roof at the slope that it is.

18 MR. COOK: Yes.

19 MEMBER DONATELLI: With the eave height that it is to
20 achieve the results that you're trying to achieve.

21 MR. COOK: Yeah, it's -- far as my understanding, I think
22 one of the future energy codes coming up, maybe 2024, I heard it
23 might start requiring solar panels on new houses. This might be
24 a thing that's very prevalent further on.

25 CHAIRMAN MAMMINA: New York City does.

26 MR. COOK: I know New York City does, yeah. We went there

1 through that on a project recently, so.

2 MEMBER DONATELLI: And certainly what the applicant has
3 indicated in terms of making the house net-zero, and I note this
4 is very much a growing trend, and it's a worthy go, and
5 sometimes, I take a look at these 4,000-, 5,000-square-foot
6 houses with these cathedral ceilings, and I think to myself just
7 the cost of warming those or cooling those is going to be
8 extraordinary, so I commend the applicant for that.

9 MEMBER HERNANDEZ: Is it a roof with solar panels or the
10 roof solar panels?

11 MR. COOK: No, they put solar panels on the roof.

12 MEMBER HERNANDEZ: On the roof.

13 MR. COOK: Yeah, we heard mixed things about the solar
14 shingles.

15 MEMBER HERNANDEZ: Yeah, okay.

16 MEMBER GOODSSELL: No objections.

17 MEMBER HERNANDEZ: Mr. Chairman, this is commendable that
18 this home is being built like this. As I pointed out earlier,
19 they could have easily complied with shaving a foot off the back
20 of the roof and creating an artificial, which they chose not to
21 do, which I believe was necessary. I think this is a much more
22 elegant solution and maximizes the use of the roof, so I move
23 that we grant the application as requested.

24 CHAIRMAN MAMMINA: We have a motion by Member Hernandez.
25 Do we have a second?

26 MEMBER DONATELLI: Second.

1 VICE CHAIRMAN FRANCIS: Second.

2 CHAIRMAN MAMMINA: Dan hasn't gotten one today.

3 VICE CHAIRMAN FRANCIS: So give it to Dan.

4 CHAIRMAN MAMMINA: Maybe we're gonna give that to the vice
5 chairman.

6 DEPUTY TOWN ATTORNEY ALGIOS: Who are we giving it to?
7 Les?

8 SECRETARY WAGNER: So the vice chairman second.

9 CHAIRMAN MAMMINA: Please poll the Board.

10 SECRETARY WAGNER: Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 SECRETARY WAGNER: Member Goodsell?

13 MEMBER GOODSSELL: Aye.

14 SECRETARY WAGNER: Member Donatelli?

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Vice Chairman Francis?

17 VICE CHAIRMAN FRANCIS: Aye.

18 SECRETARY WAGNER: Chairman Mammina?

19 CHAIRMAN MAMMINA: Aye. Application is granted. Thank
20 you.

21 MR. COOK: Thank you.

22 MEMBER HERNANDEZ: Good luck.

23 MR. GHIRARDELLO: Thank you.

24 MEMBER DONATELLI: Good luck.

25 MR. COOK: Thank you.

26 MR. GHIRARDELLO: Thanks.

(WHEREUPON, at this time, there was a break taken in the Proceeding.)

CHAIRMAN MAMMINA: We're going to start a minute earlier, how's that? Are we live Debra.

MR. TUMBARELLO: We're on.

CHAIRMAN MAMMINA: We're on TV now. Good afternoon. Welcome to the Zoning Board of Appeals Town of North Hempstead. What I like to do is just take a couple of minutes to make a few procedural statements. I know many of you have been here before, but if you've been to a different zoning board we may conduct things differently. If you've never been to a zoning board, then you may not know how we work and I just wanna get that straight.

What we will do is as each case is called, we will ask for the applicant, that's person whose application it is, to come on up to the podium. I will then ask if there's anyone in the room who's interested in the application. So you may be here to oppose it. You may be here to support it. You may be here just to listen. The applicant will then give their name and address to our reporter, as everyone will when they come forward, and at that point, the applicant has the podium, and they will put their case onto the record. When that is done, we will then call to see if there's anyone who's interested in the application. If there isn't, the Board will ask whatever questions and things that it feels that it needs to, and at that

1 point, and I'm abbreviating this a bunch, so if anybody has any
2 question, I will take it.

3 We will do one of four things. We will either deny the
4 application, approve the application, we may continue the
5 application. If we continue that means that we might want some
6 more information from the applicant. We might offer something
7 as, you know, how about if you can do this or how about if you
8 can do that, and please get drawings back to us, or we will
9 reserve the decision. If we reserve the decision that means
10 that the Board has everything that it needs at that point. No
11 one comes back. We don't have second hearings here.

12 And I guess with that said, I will ask everybody as I said
13 a little while ago, we all have cell phones and iPads or
14 whatever. If you can just silence them. You don't have to shut
15 them off. If you need to make a phone call or take a phone
16 call, please just stand up, walk on outside to the lobby, and
17 that's okay. The other thing that we ask is that if there's
18 anyone who is not here yet who you are expecting, then please
19 just tell them that same thing.

20 I think -- did I get all of it?

21 MEMBER HERNANDEZ: Yes.

22 CHAIRMAN MAMMINA: Let's call our first case, please.
23

24 SECRETARY WAGNER: Appeal #21667, PWYC Land Co., Inc.; 1
25 Yacht Club Drive, Port Washington, Section 5, Block C, Lots 191,
26 216, 236, 303, 304, 435, 443 & 460; in the Residence A zoning

1 district.

2 Appeal for determination that floodplain management
3 regulations apply to storage sheds, a dumpster enclosure and a
4 refrigeration unit on lots 303 and 304, or in the alternative, a
5 variance pursuant to 21-17 for a variance of 21-12, and an
6 appeal for determination or in the alternative, a variance from
7 70-103(A)(1), a conditional use 70-15.B, and variances from
8 70-103.B, 70-103.C, and 28-22(B)(7) to construct additions and
9 alterations to a club house, a tennis house and a paddle house
10 (a conditional use), with not enough parking on site, parking
11 spaces that are too small, parking spaces located on grass and
12 parking spaces not adequately marked or striped.

13 CHAIRMAN MAMMINA: Okay, you heard Appeal #21667, PWYC Land
14 Co., Inc. Is there anyone in the room who is interested in the
15 application other than the applicant? Seeing a couple.

16 MR. MIGATZ: That's the applicant.

17 CHAIRMAN MAMMINA: Is there anyone other than the
18 applicant? That means you're here because the application is
19 something that you may not be a part of, and of course, you
20 would be welcome to speak if Mr. Migatz would like you to, but
21 -- okay, with that said, seeing no one, please give your name
22 and address.

23 MR. MIGATZ: For the applicant, Bruce W. Migatz with the
24 law firm Albanese & Albanese, 1050 Franklin Avenue, Garden City,
25 New York. Good afternoon, Chairman, Members of the Board,
26 Counsel.

1 CHAIRMAN MAMMINA: Good afternoon.

2 MR. MIGATZ: I have handed up for each board member 11 by
3 17 copies of what we have mounted, so that the public can also
4 see it. Those documents are also in a binder that I'm about to
5 hand up, where I have pre-marked Exhibits 1 through 8. The
6 copies for the record are reduced. That's why we blew them up
7 so you can see them better.

8 CHAIRMAN MAMMINA: Which will make it easier for us.
9 Appreciate that.

10 MR. MIGATZ: I'm pleased to have with me from the yacht
11 club, the commodore, Stewart Jervis, J-E-R-V-I-S. The vice
12 commodore, Michael Netteshein, N-E-T-T-E-S-H-E-I-N. Leyln Cruz,
13 who is the manager of a yacht club, and Brian Snetana,
14 S-N-E-T-A-N-A, who is the chairperson of the 20 Vision Project,
15 which the club has been working on since 2020 to improve the
16 facilities and to enhance the look of the yacht club, which
17 needs a facelift. The club has been working on this since 2020
18 in planning and in collecting funds for this project as well,
19 and the commodore or vice commodore are here hoping to see their
20 plans go to reality today.

21 Also with me are the architects from Mojo Store, Joseph
22 Susserman, and Joseph Yacobelis, Y-A-C-O-B-E-L-I-S, and then
23 from VHB Engineering, I have Aaron Machtay. He has submitted a
24 traffic, parking study, really a parking study, and he is here
25 to summarize that and answer any questions.

26 There are two aspects of this appeal. The major part and

1 disapproval notice, December 3, 2024, for alterations to the
2 yacht club. There's also an appeal that had to do with a prior
3 application involving storage sheds, if you remember that, and
4 I'll get to that at the end.

5 Just for the record, the yacht club is at 1 Yacht Club
6 Drive in Port Washington in the zone Residence A, in which yacht
7 clubs are a conditional use. As I said, the purpose is to
8 improve the amenities for the existing club members. It is not
9 an intent to enlarge the club membership.

10 Exhibit 1 is the renderings prepared by Mojo Stumer, which
11 is in your handout. The first picture that shows the front
12 elevation, the top picture, is the front elevation of the
13 proposed look to the yacht club with a new facade in the front,
14 and the bottom picture is the rendering of the look of the
15 building with the addition of the rear deck which is the subject
16 of this application. At the bottom, you'll see pictures of the
17 existing, and you can see the improvements from the existing to
18 the proposed.

19 The next photograph in Exhibit 1 is the alterations to the
20 existing tennis house. At the bottom are pictures of the
21 existing tennis house, and then the other two renderings,
22 different front and rear elevations of the renovated tennis
23 house.

24 Then the next picture is the renovation to the paddle ball
25 house. Right now, it's just a small hut. You can see those
26 pictures of the existing paddle ball house, and the proposed

1 enlargement of that.

2 What's before you today is very limited. The club is doing
3 a major overhaul of the interior, but that's not part of the
4 application before you. That they can do as-of-right. What's
5 before you is the addition of a deck for outdoor dining. The
6 addition of a -- an addition to the kitchen in the club house,
7 and there's a small interior modification of some space.
8 They're going to make a trophy room because parking is based
9 upon occupancy load that slightly increases the parking, and
10 that's part of this.

11 The change of the facades to the clubhouse is as-of-right.
12 The change in the deck, the kitchen, and the trophy room is
13 what's before you. That required a conditional use permit, and
14 it does trigger, according to the building department, a parking
15 variance. I don't think it does. I did submit a determination
16 that a parking variance is not require for alternatively a
17 variance for parking.

18 The additions to the paddle ball house and the tennis house
19 only require a conditional use permit. Those additions do not
20 trigger a parking variance. Parking for a tennis house if it's
21 deemed a major structure, it requires ten spaces. Doesn't
22 matter what size it is. The same thing with the paddle ball
23 house, so that is being enlarged but does not increase the
24 parking demand. It does require a conditional use permit.

25 The roof deck is not large that's being proposed. It's 896
26 square feet. I always like to relate things to parking spaces.

1 The chairman like to relate to a Sheetrock 4 by 8.

2 CHAIRMAN MAMMINA: Or plywood.

3 MR. MIGATZ: Or plywood.

4 CHAIRMAN MAMMINA: Depends on my mood.

5 MR. MIGATZ: The 896 square foot deck is slightly larger
6 than four 10 by 20 parking spaces. It's not that much.

7 The kitchen extension is 1,034 square feet. That is needed
8 to get the food out faster. I can tell you that as a club
9 member for many years now we need to get the food out faster,
10 and they need a bigger kitchen to do that.

11 The new deck, for years now, in summer months, when it's
12 getting warm, spring, summer; when the weather is nice, the club
13 does offer outdoor dining. Unfortunately, when the gnats get to
14 you on the water, you can't stay there that long, and it really
15 limits the amount of outdoor dining, and that's the demand at
16 the yacht club. I believe that we have Members of the Board who
17 belong to yacht clubs and perhaps golf clubs, and outdoor dining
18 on the yacht club on the water is what I want to do and what
19 other club members what want to do, but the gnats just eat you
20 up alive, so by transferring that from the lawn or the patio to
21 the elevated deck will make it much for enjoyable, and that when
22 the wind picks up and rain comes, you can get inside a lot
23 faster than when you're outside and your scrambling to get
24 inside. So the club is not seeking to enlarge, you know, the
25 kitchen. They're not seeking to enlarge any demand. Just
26 seeking to improve the supply for the existing demand.

1 I want to make one correction that a neighbor brought to my
2 attention. The existing sheds, which we'll talk about later are
3 not being moved. The proposed site plan, T3, shows the sheds in
4 a different location. That was a mistake. The existing
5 location is shown on T2, and that's in -- that was what was
6 before this Board a year or two years ago, so we're not changing
7 that.

8 Now, Exhibit 3 is the decision of this Board in 1969, which
9 at that time, the Board came before -- the club came before this
10 Board to add some additions to the club at that time. There's a
11 dining room extension, a sundeck, and a kiddie swimming pool.
12 Exhibit 3 is the decision.

13 Exhibit 4 is the site plan that was approved in that
14 application, Appeal #16079, and as part of Exhibit 4, I have
15 blown up the parking calculations that were used in -- on that
16 last application.

17 Pursuant to the disapproval notice for this present appeal,
18 the building department has determined that the alterations to
19 the club house under today's code or interpretation -- the
20 present interpretation of the code requires 283 parking spaces,
21 and there are 110 spaces provided plus 60 seasonal spaces, which
22 yields a deficit of 112 spaces according to the disapproval
23 notice.

24 The code in effect in 1998 worded the same as it is today.
25 For a club, parking is based upon one space for every four seats
26 or every four persons that can be accommodated. If you look at

1 Exhibit 4 and the parking calculation that I blew up -- I should
2 say enlarged. In 1969, the building department and this Board,
3 which approved that site plan, based parking on the occupancy
4 load of just the club house, and that yielded a need for 135
5 spaces, and 135 spaces was provided.

6 Now, under the building department's present interpretation
7 of the same code, they are basing the occupancy load on the club
8 house and the swimming pool and the pool deck and the pool
9 pergola and the pool house. That was not the interpretation in
10 1969. The interpretation of the code was just the occupancy
11 load of the club house. They treated the other structures,
12 which were existing at the time, I don't speculate, as
13 incidental to the club house, and they did not require parking.
14 Now, that is why I say you don't need a parking variance. My
15 understanding of how the building department determines the pre-
16 existing nonconforming parking is to take what was existing --
17 withdrawn.

18 Take what's existing now, and what was existing then, you
19 apply today's code; today's interpretation of the code to what
20 was approved in '69. So they took -- if you calculate what was
21 in 1969, which I have done for -- we have done for you on
22 Exhibit 5, which I have blown up. That's a copy of the -- part
23 of drawing T3. Where we did -- the architects have done a
24 calculation of what was existing in 1969, which was the same as
25 existing now; the club house, the pool, the pergola, the pool
26 deck. They applied today's interpretation occupancy code for

1 all of those uses, and then subtract from that number the
2 parking provided 135, and the prior nonconforming is 123.

3 CHAIRMAN MAMMINA: Excuse me. Somebody could just -- it's
4 okay. I'm saying if you could just make it on silent. That's
5 all. I don't know. Somebody's phone keeps chirping.

6 Mr. Migatz, that's the upper left-hand corner under
7 existing occupancies?

8 MR. MIGATZ: The left side. The upper left-hand corner.

9 CHAIRMAN MAMMINA: Okay.

10 MR. MIGATZ: And the bottom.

11 CHAIRMAN MAMMINA: Gotcha.

12 MR. MIGATZ: So existing occupancy in '69, and then parking
13 calculations for existing under the present interpretation of
14 the code requires 268 spaces; 135 is all that was required back
15 in 1969 for the same structures, so there was a prior
16 nonconforming of 123 spaces. The right-hand side, you take the
17 existing and the proposed, you apply today's interpretation, and
18 you come up with a deficiency of 113 spaces, which is ten less
19 than the prior nonconforming.

20 I am -- I thought Deputy Commissioner Norjen would be here,
21 but I'm fairly confident that based upon my conversations in the
22 past that that's how they do it. And sticking to what they have
23 done in the past, we're not increasing the prior nonconformity,
24 and we should not need a parking variance.

25 CHAIRMAN MAMMINA: Could you just go over that one more
26 time for me; that right-hand side?

1 MR. MIGATZ: Right-hand side you take the existing and the
2 proposed, what we're proposing today, you apply today's
3 calculation to it, you get 283 spaces required; 170 are
4 provided. There's a deficiency of 113, which is ten less.

5 CHAIRMAN MAMMINA: It's the disapproved stamp.

6 VICE CHAIRMAN FRANCIS: The covered part.

7 CHAIRMAN MAMMINA: I see it. I got it.

8 MR. MIGATZ: Which is ten less than the prior
9 nonconformity. So we can send Aaron Machtay home now.

10 CHAIRMAN MAMMINA: We like him, no.

11 MR. MIGATZ: But, of course, alternatively, I did apply for
12 a parking variance, but I truly don't believe a parking variance
13 is required. If you look -- Aaron will discuss this more in his
14 presentation when he summarizes his report. But bottom line is
15 we're only increasing the parking demand in theory by 25 spots.
16 The disapproval notice recognizes that the addition to the yacht
17 club building, there's only increasing the parking demand by 25
18 spaces.

19 The way that the building department calculates the parking
20 by adding up all of the structures, it's not realistic. You're
21 presuming that every day of the year, the club house is fully
22 occupied, the swimming pool is fully occupied, the pool deck is
23 fully occupied. There are four people on every four -- task
24 four, and four people waiting for every four tennis courts.
25 There are four people on every four paddle ball courts and four
26 people waiting at every paddle ball court.

1 CHAIRMAN MAMMINA: Are they counting the surface of the
2 pool as well?

3 MR. MIGATZ: They count the surface of the pool.

4 CHAIRMAN MAMMINA: Okay.

5 MR. MIGATZ: They base it upon one per 50, so that yields
6 360 people in the pool at one time. Again, the parking space
7 analogy; every 50 feet is one quarter of a parking space, so you
8 have four -- and the building department -- and that's the
9 interpretation, right? You have four people in a 10 by 20
10 parking space trying to swim laps, and then on pool deck, you
11 have four people in every -- you have four lounge chairs in a
12 parking space. It's just not realistic. I can understand, you
13 know, the building department said, well, it's -- the code says
14 every four people that can be accommodated, and they don't want
15 to overlook the other structures, but when the code doesn't have
16 a rational formula to calculate this, and that's why I --
17 speculation; that's why I think back in 1969, the building
18 department of this Board, you know, there's no rational way to
19 calculate how many people are in the pool.

20 What do you base that on? You can't base it on one per
21 four. Plus -- I don't want to pile on too much, but, you know,
22 the club isn't open every day. Lunch is only served Thursday
23 through Sunday. The club is closed on Monday and Tuesday even
24 for dinner, so it's just -- the pool is only open a month and
25 half of a year. The tennis courts are used in summer. They're
26 not used in the winter. They're used for boat storage. The

1 paddle ball courts only used in the winter. They're not used in
2 the summer. That's a winter sport. The code doesn't recognize
3 the simultaneous and the non-simultaneous for this facility.

4 MEMBER GOODSSELL: No, but -- if I could ask you a question?
5 As a practical matter, the Port Washington Yacht Club has
6 functions, and it is self-contained. There's no parking in the
7 street. There's no parking in the neighborhood. There have
8 been times, and I have been there, that parking has been tight
9 because there's a function going on. What I think the code is
10 trying to interpret is where do people park when there's a lot
11 going on at one time? Has it ever happened where there has been
12 no place to park? Where there's been a function that fills up,
13 that overlap the other functions? Where's the spillover parking
14 on a very, very busy day?

15 MR. MIGATZ: Put aside special events. I mean, every yacht
16 club, every golf club they do have outside weddings so forth.
17 When this club does that and I asked Mr. Coods, it's six to 12
18 at tops during the course of a year, and they typically insist
19 upon valet parking.

20 MEMBER GOODSSELL: And they stack the cars.

21 MR. MIGATZ: And they stack the cars. As a club member, I
22 never had a problem parking.

23 MEMBER GOODSSELL: Well, I valet all the time, so that
24 didn't bother me at all, but I do see that the property is
25 self-contained. It's not like some other catering places where
26 you can park down the street or in the neighborhood. There has

1 to be enough parking somehow. So basically, what you're telling
2 us is that the number of times when this parking would be
3 inadequate are few and far between.

4 MR. MIGATZ: Yes.

5 MEMBER GOODSSELL: I mean, I know you'll have a traffic
6 expert testify on this, but I guess, I've only been there when
7 it's very busy. That's why I'm asking.

8 MR. MIGATZ: You can come as my guest anytime you want Ms.
9 Goodsell.

10 MEMBER GOODSSELL: Thank you. Are you serving Starbucks?

11 AUDIENCE MEMBER: Soon.

12 MR. MIGATZ: Also, part of the application has to do with
13 the seasonal parking, which has been in existence forever, but,
14 you know, it wasn't shown on the 1969 site plan, but it was in
15 existence at that time to my knowledge. It's been in existence
16 -- I've been a club member ten years or so. It's been in
17 existence ever since I've been a club member, but it's not
18 striped, but the club members know there are parking spaces on
19 grass and parking spaces on gravel. The gravel parking spaces
20 are shown on the site plan on the top left corner. That's where
21 the Butler building is, where boats are stored. In the
22 wintertime, if you went there now, there'd be boats in that
23 yard. In the summertime, the boats are in the water, and that
24 is their extra parking for club members and club guests, and
25 they're parking on grass, which is shown on the site plan.
26 That's in existence. The way it has been striped out, some of

1 these parking spaces are 9 by 19, some are 9 by 18, and that
2 requires a variance for being undersized and a variance for not
3 being on asphalt. The architect site plan shows them as being
4 striped, which they can be striped. They can be striped with
5 chalk that are used to stripe the baseball diamond. If you've
6 been to Young Farm in Old Brookville, where they have gravel
7 parking lot, and they stripe the spaces with limestone. The
8 club would like to have the option instead of using limestone
9 striping, to put it in wheel stops. To set the wheel stops to
10 yielding the parking spaces. The club members now know where to
11 park. We know where to park, but, you know, we can put those
12 wheel stops there, so that when Ms. Goodsell comes as my guest,
13 she sees where --

14 MEMBER GOODSSELL: She knows where to park.

15 MR. MIGATZ: -- where to park. At a prior hearing, I said
16 to this Board, I never measured the spaces in the town hall
17 parking lot, but I bet you that they're not 10 by 20. Well, I
18 measured them now. The spaces behind town hall are 9 by 20.
19 The spaces behind town hall NAICS are 9 by 19 with some tandem
20 spaces. In Port Washington, the town just repaved and restriped
21 Parking Field 2, and they're all 9 by 18 spaces, which really is
22 the norm in most towns.

23 At this time, unless you have a question or time, I would
24 like to have Aaron Machtay to summarize his parking study, and
25 you can ask him any questions about the parking. Thank you.

26 MR. MACHTAY: Good afternoon, Chairman, Members of the

1 Board. Aaron Machtay, transportation project manager at VHB's
2 Long Island office; 100 Motor Parkway in Hauppauge, New York.

3 Before I talk about the details of the report, I just
4 wanted to talk about the special event parking. I think what
5 Mr. Migatz mentioned is the valet operation is sort of the
6 answer for something like that. If we look at the property, if
7 we look at the site plan, we are providing with the benefit of
8 this approval, 135 legal spaces, including that new area that we
9 mentioned in the northwest corner. Valet parking would increase
10 that capacity substantially, so putting an exact number on what
11 would be required is obviously quite difficult. It may vary
12 from event to event but by providing a valet parking, it
13 basically allows them to self-contain as much as physically
14 possible on the property, so I think that that's ultimately the
15 solution that needs to be put in place.

16 Regarding my report that's been submitted to your
17 attention, and we did do our parking study in order to evaluate
18 the conditions associated with the proposed renovations. As Mr.
19 Migatz discussed, the proposed application involves renovation
20 of the existing club house building as well as other
21 improvements on site totaling approximately 2,300 square feet
22 floor area. Additionally, there will be some seasonal outdoor
23 dining areas established providing 48 seats. Due to the
24 increases in floor area and the application as a whole, the
25 town's calculated requirement is 282 parking stalls, which
26 represent the 25 space increase relative to the existing

1 improved condition.

2 Just to sort of echo what Mr. Migatz was saying; with
3 respect to that calculation, I do believe that it is overstated
4 with respect to the club. The use is one that it has multiple
5 different aspects, multiple different amenities, and it's very
6 rare for it all to be used simultaneously at their maximum.
7 This is to say the requirement of these components, you know,
8 individually, such as dining area, supporting areas, et cetera,
9 but what tends to happen is that the same people use these
10 facilities in one visit. Someone may come to play tennis or get
11 in a pool, and then decide to stay and have dinner. It's very,
12 very rare that you would expect the pool to be at its maximum
13 capacity, the tennis courts to be at their maximum capacity,
14 everything that they have is maximum capacity at the same time.
15 So what's happening is that the parking calculation, the town is
16 just assuming almost like each one is in a field by itself and
17 that they're all operating separate of each other; they're not,
18 each different component of the yacht club itself. As a result,
19 the actual parking demand would then be much less than the town
20 code requirement.

21 In any event, the application would see 170 spaces provided
22 on site, 60 of which would be seasonal in nature. This is an
23 improvement on paper. As Mr. Migatz said, those spaces are
24 currently in use, that northwest corner, but what it is doing is
25 allowing Port Washington Yacht Club for their normal operation,
26 to provide as much parking as possible, and that represents a

1 significant improvement with the respect to the parking yield
2 that is, you know, presently improved by the town.

3 Now, just in general with respect to all these proposed
4 changes. The first and most important thing that we have to
5 know is that the design is to better existing constituency of
6 the yacht club itself. It indicates to me that the intent of
7 this application is not necessarily to increase membership, but
8 to better serve their existing memberships. As Mr. Migatz said,
9 they're different components that, you know, such as the outdoor
10 seating and the kitchen, which don't operate at their peak
11 efficiency because of outside factors, whether the gnats or just
12 the kitchen facility being outdated. So these would -- these
13 will be renovations that would better serve the existing
14 members. What that basically means is, you know, if we were to
15 estimate traffic and parking that was generated but such a
16 facility, you probably want to look at the membership, and want
17 to gauge how much membership is active and sort of use that to
18 project activity. Well, if we're keeping the membership the
19 same, we would probably expect that the activity would be the
20 same in the future conditions, so ultimately there wouldn't be
21 any increase in activity on the normal basis compared to what we
22 would see on a typical basis now.

23 Unfortunately, the study I submitted to you was dated in
24 December. We did not have an opportunity, obviously, if I gave
25 you a parking report observing conditions in December for a
26 yacht club, you would probably laugh at me, but what I think I

1 can say is, even though I didn't observe those conditions,
2 whatever they are, they echo what will happen in the future
3 condition or the existing condition.

4 And then the other thing to note on the application is that
5 we're not proposing any new amenities, if any, you know. The
6 dining options are already there. The paddle ball is already
7 there. The tennis is already there. The pools, et cetera.
8 There's nothing that's really gonna cause this new demand
9 leading to the existing members or saying, oh, man, I gotta get
10 down there now. It's really just to better serve the ones that
11 are coming already, and to provide, you know, just a better club
12 for them to take part in. So as a result, there isn't gonna to
13 be any new simultaneous demand generated with the current
14 operation.

15 So in closing because the Port Washington Yacht Club is not
16 planning to increase their membership, it's my opinion that the
17 proposed condition with respect to traffic and parking for the
18 use will mirror the existing, and I believe the application to
19 be granted without resulting in any new impacts to the traffic
20 and parking conditions in the area.

21 I'm happy to answer any questions.

22 CHAIRMAN MAMMINA: I have one question that I have wondered
23 about in terms of other applications over the years that we've
24 had here. Does the ITE opine regarding swimming pools?

25 MR. MACHTAY: They're --

26 CHAIRMAN MAMMINA: There's no trick question.

1 MR. MACHTAY: No trick question. I don't have the manual
2 right in front of me, so, you know, I can't look to see -- I can
3 look it up pretty easily, but I do know that there's like a pool
4 facility, multi-use recreation; things of that nature. Just an
5 individual swimming pool, you know, I think it's more like a
6 facility that you go to that may have other, you know, there may
7 be other things to go to it for other than just the pool. I
8 would have to read the description of the land use to see how
9 its described exactly.

10 CHAIRMAN MAMMINA: I mean, that's fair. As Mr. Migatz had
11 pointed to non-simultaneous occupancy, does ITE look at that in
12 someway --

13 MR. MACHTAY: So.

14 CHAIRMAN MAMMINA: -- that would support that?

15 MR. MACHTAY: There are --

16 CHAIRMAN MAMMINA: What I'm asking about or countable?

17 MR. MACHTAY: There are different levels which it would,
18 you know. Again, there's certain ANGIS codes that may describe
19 something with a multiuse recreational facility. It describes a
20 range of things. It's based on what was studied and what
21 information was sent to ITE, and how they compiled it and put it
22 in the compartments to say it's this use or the other. If the
23 uses that were used to develop it, again, I don't have the
24 description in front of me, but I could get it for you.

25 CHAIRMAN MAMMINA: That's okay.

26 MR. MACHTAY: If it includes, you know, the mix and the

1 amalgamation of the different things that happen on the campus
2 like this, yes, absolutely. You know, as you get more into the
3 map or you start getting into something that would fall, you
4 know, not just into a single use but into like a mix of uses,
5 then there's like an internal interaction with that, but I don't
6 think that's what you're talking about here. That's accounted
7 for in a different way than just being accounted for in a single
8 use category. So the answer is sometimes. It really depends on
9 exactly how the facilities that were studied because ITE is a
10 compendium of data sent by traffic engineers like myself that
11 they categorize based on, you know, what the use actually is.
12 It depends on what was studied relative to, you know, what's
13 actually being proposed.

14 CHAIRMAN MAMMINA: I was intending to impress you that I
15 remember the acronym.

16 MR. MACHTAY: I'm always impressed by anyone who --

17 MEMBER DONATELLI: Doesn't it --

18 CHAIRMAN MAMMINA: That when you look at something like
19 that and it clearly -- it can't be in the swimming and people in
20 the locker room at the same time.

21 MR. MACHTAY: Again, when we would categorize a use, say,
22 you know, a fitness club, a gym; something along those lines.
23 Clearly locker rooms are -- I don't know if you would call them
24 amenities, but they're practically a requirement. The data you
25 collect when you look at a gym or anything like that, would
26 collude, you know, all of the activity, including people who are

1 accessing the locker rooms and accessing the fitness; whatever
2 it may be so -- that I think is, you know, directly related to
3 whether it's the paddle ball courts or tennis courts or the
4 pool, that's sort of built in to whatever demand is associated
5 with those.

6 CHAIRMAN MAMMINA: Thank you, I appreciate it.

7 Does anybody else have any questions?

8 VICE CHAIRMAN FRANCIS: No.

9 MEMBER HERNANDEZ: No.

10 MR. MIGATZ: Let's not lose sight of the fact that we're
11 only increasing the required parking by 25 spaces, and as Mr.
12 Machtay testified to, that's not expected to increase the club
13 population. It's just to improve, so that those 25 spaces
14 required to make a kitchen larger and to move the outdoor dining
15 from the lawn to the deck, doesn't really put a demand for more
16 parking, even if you follow the building department's
17 interpretation.

18 This whole discussion sounds very familiar. It should
19 sound familiar because it was before the Board. The Manhasset
20 Bay Yacht Club was before this Board in '21, when they wanted to
21 add one paddle ball court, and the disapproval notice, which I
22 have as Exhibit 6 for Manhasset Bay Yacht Club, and the Board's
23 decision. The disapproval went through the same parking
24 calculations as they did for this application. They assume that
25 ever space is occupied; the pool, the this, the that, and it
26 came up with a demand for 345 parking spaces and they provide

1 236, deficiency of 108; our is 113, and a guy named Bob Sbacher.
2 I'm not sure if you remember him from VHB.

3 CHAIRMAN MAMMINA: I'm not sure either.

4 MR. MIGATZ: His testimony was very similar to Aaron's
5 testimony today. That it's not realistic to base parking on a
6 simultaneous use of all those uses, and this Board granted that
7 application.

8 Let me -- I know I've been speaking a long time, but I
9 should go through the conditional use standards, very quickly.
10 The purposes of zoning, town code permits yacht clubs with a
11 condition use, which is indeed -- can amount to a permitted use.
12 Whether the use design is appropriate to and in harmony with the
13 surrounding properties?

14 The club has been there -- well, it started 1905, but it
15 moved to this spot sometime in the 60s or 50s, I think. It's
16 been ever since. It is self-contained and doesn't have adverse
17 impact on the surrounding community.

18 Whether it's a desirable facility? A yacht club all always
19 be a desirable facility, especially in a water front town.

20 Whether the use is a hazard or conflicting through the
21 neighborhood via traffic? Again, it's all self-contained on the
22 yacht club campus. We're not increasing the demand for parking.

23 Whether it'll be objectionable to nearby residential
24 dwellings via noise, lights, vibration, and other factors of
25 impact? Deck is facing the water. It doesn't face any other
26 surrounding properties, and the kitchen extension, of course, is

1 also self-contained material.

2 Quickly going through the area variance standards for the
3 parking variance. Will it be an undesirable change in the
4 character of the neighborhood or detriment to any nearby
5 properties? Aaron testified, and he submits to you no.

6 Whether it's a substantial variance? We don't think we
7 need a variance, but I do see that the commissioner is here.
8 Perhaps he may speak to that. If we do need a variance, only
9 for 25 spaces, which is not substantial. That benefit cannot be
10 achieved by some other means feasible.

11 I don't think that the difficulty is self-created because
12 the building department's interpretation of the parking for the
13 club has changed since 1969 and now, and the yacht club was the
14 owner in 1969. During their ownership, the interpretation has
15 changed, so I don't think the difficulty is self-created, but
16 assuming it is that's -- that is not that detrimental -- it's
17 not the death nail for an area variance.

18 The last exhibit is Exhibit 7. We do have consents, and
19 Exhibit 7 is a -- I've highlighted on the radius map in yellow
20 the properties that have consented to this application, and I'll
21 hand in those original consents for the record.

22 Before I go on to the appeal regarding the need to flood
23 proof the sheds, do you want hear from the public on this or
24 Deputy Norjen?

25 CHAIRMAN MAMMINA: Maybe we do Mr. Norjen first, so that we
26 tie those two together while all of that is fresh in our minds.

1 DEPUTY COMMISSIONER NORJEN: Glen Norjen, deputy
2 commissioner building department.

3 CHAIRMAN MAMMINA: Good afternoon, Commissioner Norjen.

4 DEPUTY COMMISSIONER NORJEN: All aboard. Very windy
5 outside right now.

6 VICE CHAIRMAN FRANCIS: Really?

7 DEPUTY COMMISSIONER NORJEN: We deal with this issue of
8 simultaneous uses all the time; religious institutions have
9 built with the worship center, and then the place where they go
10 to meet. The way the building department has done it since I've
11 been here is -- and I think before this. The code says how many
12 people that can be legally accommodated. By legally
13 accommodated, the only thing that says what can legally be
14 accommodated is a New York State building code. So we go to the
15 building code; Chapter 10; Table 10,004, and we see how many
16 people can be legally accommodated in this facility, and then we
17 base the parking requirement on one parking space every four
18 people that can be legally accommodated.

19 Now, I understand that things might -- in '69 as Mr. Migatz
20 has said that it went before the Board for the conditional use.
21 The building code was in the green book. Occupant rules were
22 different back then, so we go by the current. Now, if you don't
23 make any changes that would increase occupant load, we don't
24 require a parking calculation. So let's say that they were just
25 doing a kitchen renovation instead of adding on to the kitchen.
26 Well, there would be no increase in the parking. It was a

1 kitchen. It's still a kitchen.

2 We're not gonna do -- we do this for all kinds of things;
3 restaurants. The code changed for restaurant parking. It's now
4 one per 80. So if you're going from restaurant to restaurant,
5 you say, hey, you don't need a variance because you're going
6 from restaurant to restaurant, but there's other restaurants in
7 that strip mall, and you're going from a retail to a restaurant.
8 Now, those other ones have to be calculated one per 80. Not
9 what they were when they were made into a restaurant because
10 parking variance is based on today's code. What do you need
11 to park based on today's code? If there's a change? If there's
12 no change, you don't have to make any parking calculations.

13 Any questions?

14 CHAIRMAN MAMMINA: I would say would it be reasonable to
15 say that ground zero is what was already approved, and then I'm
16 gonna look at what was -- what is now proposed, and I know it's
17 not the same thing, but I can -- I'm much more familiar with New
18 York City than I'm outside of the City. I mean, they're clearly
19 whatever parking was reviewed, excuse me, was accepted already
20 and is on document and I want to add 5,000 square feet to that
21 building that might be 50,000 square feet, I only look at that
22 5,000 square feet and attach to that what the parking
23 requirement is. To me, just as an architect, seems logical.

24 DEPUTY COMMISSIONER NORJEN: Well, that could be
25 reasonable, and I've seen other town codes that actually have
26 things like that written into them.

1 CHAIRMAN MAMMINA: That's fair.

2 DEPUTY COMMISSIONER NORJEN: Probably New York City has
3 that written into them.

4 CHAIRMAN MAMMINA: That's extremely fair.

5 DEPUTY COMMISSIONER NORJEN: But our code doesn't say that.

6 CHAIRMAN MAMMINA: Gotcha. Okay.

7 MEMBER GOODSELL: And our code is purely a mathematical
8 calculation that does not take into account, as Mr. Migatz has
9 said, a practical effect of how many people there are at one
10 given time.

11 DEPUTY COMMISSIONER NORJEN: That's what the Board of
12 Zoning Appeals is for. I mean, to me, I'm listening to Mr.
13 Migatz, and he can probably tell you that one of my things that
14 I always say to him is that's a great argument to make to the
15 Board of Zoning Appeals.

16 CHAIRMAN MAMMINA: That's fair.

17 DEPUTY COMMISSIONER NORJEN: Any other questions?

18 CHAIRMAN MAMMINA: I don't think so.

19 MR. MIGATZ: Can you ask Mr. Norjen if he agrees with how I
20 calculated the prior nonconforming? Do you agree with that? Do
21 you remember speaking together about that?

22 DEPUTY COMMISSIONER NORJEN: No.

23 MR. MIGATZ: Okay, no objection. Let me move on unless you
24 want to take questions from the audience or comments from the
25 audience on this?

26 CHAIRMAN MAMMINA: I mean at this -- I don't know that we

1 have any opposition. I don't think so.

2 MR. MIGATZ: Okay.

3 CHAIRMAN MAMMINA: So why don't we hold that to the end
4 when we got a whole presentation.

5 MR. MIGATZ: The second aspect of this appeal, and I will
6 go through this quickly.

7 Exhibit 8 is a prior decision of this Board in 2023, having
8 to do with boat storage in the southwest corner of the campus,
9 and it was determined both storages allowed to be there; and it
10 was determined that the six sheds that are there provided they
11 are no greater than 144 square feet. I think there's a limit.
12 They don't need permits and they can be there. So the Board
13 approved that and the planning review issued a building permit.
14 What required a permit was the asphalt paving and the drainage.
15 That's what required a permit. After, this Board granted their
16 decision that said you can pave it. It's not prohibited by
17 that. It's strictly habitated or the prior decision, and you
18 can put boats there. Then the building department reviewed the
19 plans for the asphalt and for the drainage, and they said wait a
20 minute, those sheds are in a flood zone. They have to be flood
21 proof. Think about that a moment. They wanted to flood proof
22 portable sheds.

23 MEMBER GOODSELL: They're called large buckets.

24 MR. MIGATZ: I am the prior architect that was on that job.
25 On the building department was the then commissioner, not there
26 now, and he said it's a structure, you have to meet the flood

1 permit regulations. Well, I don't think so. The floodplain
2 management regulations pursuant to Section 21-4, they apply to
3 new construction, and new construction is defined as structures
4 for which the start of construction commenced on or after the
5 effective date of the floodplain management regulations.

6 Pursuant to Section 21-4 -- this is all in my papers that I
7 submitted. The start of construction is determined by the date
8 of the permit issuance for new construction, and expressly does
9 not include accessory buildings, such as garages or sheds, not
10 occupied as dwelling units are not parent or the main dwelling.
11 That's right in the code. Right in the code. So these sheds do
12 not fall within the gambit of the floodplain regulation.
13 Legally or the practical matter. How can you flood proof a
14 portal shed? What's the difference if you have the lawn chairs
15 outside when the flood occurs, and they get wet or they're
16 inside a shed and the flood occurs, and they get wet. I mean,
17 in the practical matter, it just makes no sense.

18 We seek a determination that the floodplain regulations do
19 not apply to these portable sheds, and if you think they do
20 apply, you can give a variance of the floodplain regulations on
21 the basis that there's no danger to the public if these sheds
22 were to get flooded.

23 MEMBER DONATELLI: Mr. Migatz, correct me if I'm wrong. I
24 seem to recall that one of the sheds had electricity?

25 MR. MIGATZ: Yes, one does. It's a refrigeration unit.

26 MEMBER DONATELLI: So there's electricity.

1 MR. MIGATZ: But the floodplain regulations just will
2 require breakthrough vents and things of that nature. You can
3 still have electric.

4 MEMBER DONATELLI: I understand your point. I'm trying to
5 recall from a few years back.

6 MR. MIGATZ: That's our presentation.

7 MEMBER DONATELLI: Mr. Chairman, if Mr. Norjen would care
8 to address that issue, I would care to hear from him.

9 CHAIRMAN MAMMINA: His hand's up.

10 DEPUTY COMMISSIONER NORJEN: Hi, Norjen, deputy
11 commissioner, building department. I don't have a copy of this,
12 but here is the FEMA Policy for Floodplain Management
13 Requirements for Agricultural Structures and Accessory
14 Structures. It clearly states that accessory structures must
15 meet the requirements of floodplain management. It has all
16 kinds of definitions. "An accessory structure means a structure
17 that is on the same parcel property as a principal structure and
18 the use of which is incidental to the use. An accessory
19 structure specifically excludes structures used for
20 inhabitation. Accessory structures are considered walled and
21 roofed with a structure includes at least two rigid walls and a
22 fully secured roof." Sheds do. Examples of accessory
23 structures include but not limited to two-car garages, carports,
24 storage and tool sheds."

25 CHAIRMAN MAMMINA: They are or they aren't? I'm sorry.

26 DEPUTY COMMISSIONER NORJEN: They are.

1 CHAIRMAN MAMMINA: Okay.

2 DEPUTY COMMISSIONER NORJEN: And this is right in the FEMA
3 Regulations.

4 CHAIRMAN MAMMINA: That's okay.

5 DEPUTY COMMISSIONER NORJEN: Now, if variances are granted,
6 they're still -- it's not about the danger of the shed flooding.
7 It's one of the requirements is that it has to be positively
8 anchored because as in Super Storm Sandy, they don't want decks,
9 sheds, and other accessory structures flooding into somebody's
10 house and taking down their house because your shed wasn't
11 anchored. It's not about the contents of that shed. It's about
12 what the shed can do if it actual floats away, so. If there's
13 any questions on that?

14 MEMBER DONATELLI: You mentioned that that's from FEMA.

15 DEPUTY COMMISSIONER NORJEN: Yeah, this is a FEMA Policy.
16 I will hand this in as an exhibit.

17 MEMBER DONATELLI: Yes, please. That's been incorporated
18 by the Town of North Hempstead or if it's adopted?

19 DEPUTY COMMISSIONER NORJEN: By New York State -- I mean,
20 by town code, we have to enforce floodplain management
21 requirements. Now, we're lucky most of the properties on the
22 water are in villages, so believe it or not, we only have like
23 30 or 40 properties that are in floodplains. This is one of
24 them, so.

25 One other thing. There was something about the
26 refrigeration units.

1 CHAIRMAN MAMMINA: Yes.

2 DEPUTY COMMISSIONER NORJEN: The National Floodplain
3 Insurance requires that all mechanical equipment -- I don't know
4 when this was put in, so that's always a question; is it before
5 or after the floodplain requirements? This would include
6 heating, ventilation, plumbing, air conditioning equipment, and
7 or service facilities.

8 The floodplain requires that all electric be raised about
9 two feet above the freeboard because we -- or that it be flood
10 proof. I mean, these are the requirements. Yeah, if it can be
11 determined when these things were put, whether before the
12 requirement of the floodplain, yeah, we can work with that, but
13 if not.

14 CHAIRMAN MAMMINA: Did you say insurance?

15 DEPUTY COMMISSIONER NORJEN: Well, the whole thing is
16 National Flood Insurance Program; NFIP. This is the whole
17 thing. This is what deals with the floodplain permits. If it's
18 --

19 CHAIRMAN MAMMINA: And you know that I understand. All
20 right, so this is just a conversation. If I'm building a
21 building -- I'm just building a house. I'm building a 20-story
22 building, I've got to get those lobby areas and things above the
23 floodplain and the freeboard. Everybody that doesn't know what
24 freeboard is, it's just like an extra amount of space just in
25 case a storm should be more turbulence, but at the same time, in
26 those garages and things, I've never been required to raise

1 those above the floodplain.

2 DEPUTY COMMISSIONER NORJEN: Garages aren't required to be
3 above the floodplain. You're allowed to have parking in a lower
4 level.

5 CHAIRMAN MAMMINA: Okay. I thought that I heard you say
6 that it did, but that's okay.

7 DEPUTY COMMISSIONER NORJEN: No, no, you're allowed to have
8 parking. I said the equipment. The electric has to be --

9 CHAIRMAN MAMMINA: What was two-car garages?

10 DEPUTY COMMISSIONER NORJEN: No, no, that's -- it said
11 accessory structures; two-car garages, storage sheds, and things
12 like that. That you need to floodplain. You have to flood
13 proof them.

14 CHAIRMAN MAMMINA: I'm not being a wise guy; supposed it's
15 a three-car garage?

16 DEPUTY COMMISSIONER NORJEN: Well.

17 CHAIRMAN MAMMINA: I'm not being a wise guy because I know
18 you don't know the answer because you can't --

19 DEPUTY COMMISSIONER NORJEN: Well, I'm gonna be a wise guy
20 and say, the town code doesn't allow three-car garages.

21 CHAIRMAN MAMMINA: And that goes back to the town code, not
22 the FEMA Regulation.

23 DEPUTY COMMISSIONER NORJEN: Yeah. Well, it says for
24 example, two-car garages. Well, maybe it's a three-car garage.
25 They just want to use that as an example.

26 CHAIRMAN MAMMINA: That's okay.

1 DEPUTY COMMISSIONER NORJEN: Yeah.

2 MEMBER DONATELLI: What is the effective date of the FEMA
3 Regulation?

4 DEPUTY COMMISSIONER NORJEN: Well, this one, February 2020.
5 This was an update to a previous one, so I don't know exactly
6 what was updated.

7 CHAIRMAN MAMMINA: Mr. Migatz?

8 MR. MIGATZ: We're not here before FEMA Regulation. We are
9 here pursuant to the town floodplain management regulations,
10 which the building department has cited. Town code, regardless
11 of what FEMA may say for insurance purposes and they're
12 insurance matters, the town code for floodplain regulations for
13 structures expressly does not apply to sheds. That's why we're
14 here before, which, you know -- Mr. Norjen and I would love to
15 go back and forth.

16 CHAIRMAN MAMMINA: That you do.

17 MR. MIGATZ: And I think we respect each other.

18 CHAIRMAN MAMMINA: Yes.

19 MR. MIGATZ: But, you know, my problem and a lot of
20 people's problem with the building department is, sometimes,
21 they just don't take a practical look at things. These zoning
22 codes and construction codes, they're really not in stone, you
23 know. The building department, recent times, gives you some
24 leeway if you built a little bit over the approved footprint.
25 They give you some six inches or so. Let's take a practical
26 approach to this. This is a storage shed. It has lawn chairs

1 in it. It has boat supplies in it. A garage has lawn chairs in
2 it. Doesn't have to be flood proof. Let's just take a
3 practical approach to some of these regulations, and you have
4 the power to grant a variance. If you -- it doesn't apply, but
5 if for some reason you say it does apply, you can grant a
6 variance. Thank you.

7 CHAIRMAN MAMMINA: Thank you, Mr. Migatz. Was there
8 anybody else who wished to speak? You don't have to. That's up
9 to you. If everybody else is in favor, you know, the record
10 will show that everybody else is in favor.

11 MR. MIGATZ: Let's close it here now.

12 MEMBER DONATELLI: Well, Mr. Chairman, we've been given a
13 lot to think about. I personally would like to have a chance to
14 review the exhibits that have been handed in and consider the
15 application more, so if there's nothing further that anyone
16 needs of applicant, we can reserve decision on this.

17 CHAIRMAN MAMMINA: I'm gonna agree with that. We have some
18 homework to do.

19 MR. MIGATZ: What we'd like to do is submit a revised T3
20 that shows the sheds in the same location as they are now.
21 We're not approving them.

22 VICE CHAIRMAN FRANCIS: That's a good idea. Mr. Migatz,
23 did you have anything to do with putting that '63 Corvette in
24 the first rendering?

25 MR. MIGATZ: No, I asked them to make that black. When I
26 saw that rendering -- you said you're gonna make it black.

1 AUDIENCE MEMBER: We will.

2 MR. MIGATZ: Thank you for seeing that.

3 VICE CHAIRMAN FRANCIS: Of course.

4 CHAIRMAN MAMMINA: Mr. Migatz, could we ask one more
5 question? If the Board were to grant the variance and you had
6 spoken about or Glen had spoken about fastening them down.
7 Would that be reasonable to ask to have it those fastened?

8 MR. MIGATZ: The sheds?

9 CHAIRMAN MAMMINA: The sheds in some simple manner.

10 MR. MIGATZ: Sure, of course.

11 CHAIRMAN MAMMINA: All right, thank you.

12 MR. MIGATZ: Thank you.

13 CHAIRMAN MAMMINA: Thank you all for coming down.

14 MEMBER GOODSELL: Are we reserving?

15 CHAIRMAN MAMMINA: Yeah -- no, we'll continue.

16 MEMBER DONATELLI: Continue.

17

18 SECRETARY WAGNER: Appeal #21674, BGB Realty Corp.; 102
19 Harbor Road, Port Washington; Section 5, Block A, Lot 298; in
20 the Business A/Residence C zoning district.

21 Variances from 70-103.A(1), 70-103.F, and 70-132.A to
22 legalize interior alterations for a gym/fitness club with not
23 enough parking and loading on site, and parking in the front
24 yard.

25 CHAIRMAN MAMMINA: You heard Appeal #21674, BGB Realty
26 Corp. Is there anyone in the room interested in this application

1 other than the applicant? Seeing no one, please give your name
2 and address.

3 MS. TSOUKALAS CURTO: Good afternoon, Chairman Mammina,
4 Members of the Board. My name is Andrea Tsoukalas Curto with
5 the law firm of Forchelli Deegan Terrana. Offices at 333 Earle
6 Ovington Boulevard, Uniondale, New York, on behalf of the
7 applicant. With me today is Steven Panzik, P-A-N-Z-I-K. He's
8 the applicant. Frank Genese, the applicant's architect from N2
9 Designs, and Wayne Muller, the applicant's traffic consultant
10 with R&M Engineering. I do have an exhibit packet that I'd like
11 to submit, Applicant's Exhibit A.

12 MR. TUMBARELLO: Thank you.

13 MS. TSOUKALAS CURTO: As mentioned, this is as application
14 for area variances to maintain a gym at the premises.
15 Specifically, the applicant seeks variances for insufficient
16 parking, not provided a loading area, and parking within a front
17 yard. The requirement parking for the use is 46 spaces, and 24
18 spaces are provided on site leaving a deficiency of 22 parking
19 spaces. The applicant retained R&M Engineering to conduct a
20 parking analysis for the existing use. That report concluded
21 that the onsite and on-street parking near the site sufficiently
22 accommodates the existing gym use. Mr. Mullen will go over his
23 report after I conclude my presentation.

24 A little background regarding the premises. It's located
25 on the south side of Harbor Road; 829 feet west of Charles
26 Avenue. It's situated in the town's Business A zoning district,

1 and has a lot area of 22,739 square feet. It's improved with a
2 one-story brick building and associated parking.

3 A little background history with respect to the zoning. In
4 June of 2021, the Board conditionally approved a parking
5 variance for a gymnastic center under Appeal #16632. That
6 approval expired in June of 2006, and was never renewed. The
7 premises has been used as a gym since March of 2005, so for the
8 past 20 years. At first Power 10, which is the existing tenant,
9 sublet half of the space from the gymnastic center. They took
10 over the entire space during COVID when the gymnastic center
11 went out of business. The Power 10 has only made minor interior
12 alterations. They eliminated an office space on the first
13 floor, and they created some storage and a small office on the
14 mezzanine level. The existing gym is a similar public assembly
15 use as the gymnastic center when it was previously approved,
16 except that the prior gymnastic center only offered group
17 classes for children. You can see in the decision, the
18 conditions are all related to that with how many classes you can
19 have with 15 or 20 children at one time. The existing gym is
20 fully equipped with training equipment and offers multi strength
21 and cardio training. It's important to note that the applicant
22 is not proposing any changes to the premises or the operation of
23 existing gym.

24 With respect to the relief requested, the premises has been
25 approved with parking stalls in the front yard, and the stalls
26 are safe and readily accessible. I do have photos of the front

1 yard provided in the exhibit packet.

2 Furthermore, all the commercial uses on Harbor Road are in
3 the front yard to include the auto body repair shops across the
4 street. I provided photos of those uses in the exhibit packet
5 also. It's a pretty heavily used street in terms of parking and
6 there's a lot of commercial uses up and down that block.

7 At this time, I would like Mr. Muller to go over his report
8 and then I can go over the area variance standards.

9 MR. MULLER: Good afternoon. For the record, Wayne Muller
10 of Robinson and Muller Engineering. Offices at 50 Elm Street,
11 Huntington, New York.

12 CHAIRMAN MAMMINA: Good afternoon, Mr. Muller.

13 MR. MULLER: Good afternoon. As Ms. Curto indicated, we
14 prepared a report dated November 21, 2024, which was previously
15 submitted to the Board as part of the application. She covered
16 a lot of the information that's in the report as far as the
17 relief that we're requesting from the ordinance at this time as
18 indicated in my report as indicated by Ms. Curto.

19 We observed the parking activity in and around the subject
20 property. Power 10 exists currently on the site, and therefore,
21 all the observations that we performed contain the activity that
22 relates to Power 10. As indicated in our report, we found that
23 the parking provided within the onsite parking areas and within
24 the area surrounding the site primarily on the street on Harbor
25 are more than adequate to satisfy the demand.

26 As indicated in our report, the peak level of activity

1 occurs in the morning hours. During the midday, it's a lot
2 less, where it gets a little bit higher in the evening, and that
3 works well with the parking within the area that tends to trend
4 towards less parking in the evening and not as much at night.

5 That's my testimony. I will be happy to answer any
6 questions.

7 MEMBER DONATELLI: Is there any spillover parking from the
8 premises to any of the neighbors?

9 MR. MULLER: We did not observe that, no.

10 MEMBER DONATELLI: I know that Power 10 has been occupying
11 the premises for 20 years. From your point of view, is there
12 much of difference -- is there a material difference between how
13 the premises once was used by gymnasts versus how it is now used
14 by Power 10?

15 MR. MULLER: No, it's essentially the same use. It's a
16 public assembly recreational type use. The only difference that
17 could be with the gymnastic versus Power 10, you'll have more
18 parental drop offs, maybe, in the evening hours, after school,
19 so they would have more activity probably from say 2:00 in the
20 afternoon into the evening hours, where this is more of a
21 traditional type gym, where there're activities in the morning,
22 and there's some activity in the evening, but during that midday
23 period it's relatively low. That would be the difference.

24 CHAIRMAN MAMMINA: Let's say I'm a member of Power 10 and I
25 get there and I can't find a parking space, would there be any
26 residential neighborhood that I have to drive through to park in

1 front of somebody's house?

2 MR. MULLER: Not necessary. You can see from the area. I
3 mean, you can park one street on Harbor further down to the
4 east.

5 CHAIRMAN MAMMINA: That's further down.

6 MR. MULLER: Further down, yeah. The areas that are north
7 of the subject property are at a premium with the uses that are
8 on that side of the road.

9 CHAIRMAN MAMMINA: Sure, absolutely.

10 MEMBER DONATELLI: You can't live in Port Washington and
11 not travel Harbor Road at least two or three times a day. It's
12 a major east-west thoroughfare for a lot of businesses. There
13 are some residences north in the immediate area of Power 10 gym.

14 MR. MULLER: Right.

15 MEMBER DONATELLI: Thank you.

16 MR. MULLER: Thank you.

17 MS. TSOUKALAS CURTO: Just to elaborate on that one point.

18 I did read the transcript from the prior hearing, and the
19 concern was that you're going to have 15 or 20 parents coming in
20 and dropping children at the same time, and then the classes had
21 to be staggered, which is why your conditions of approval noted
22 that you had to have only one class per hour, and then a
23 staggered, so that they wouldn't have a bottleneck of people
24 coming in and out of the site, which is very different from what
25 we're doing now.

26 MEMBER DONATELLI: I wasn't here in 2001. Maybe the

1 chairman was, but I wasn't here.

2 CHAIRMAN MAMMINA: I was here, but honestly, I thank you
3 very much because I didn't remember I was here. I'm honest.

4 MS. TSOUKALAS CURTO: That's okay. You've heard a lot of
5 applications over the years. Can't expect you to remember all
6 of them.

7 Do you want me to go over the area variance standards?

8 MEMBER GOODSELL: Could you address the issue of loading
9 and unloading?

10 MS. TSOUKALAS CURTO: Sure. So there actually is an
11 existing loading space. Where is it? It's right here.
12 However, it's not used as a loading space, so that's why a
13 variance is needed.

14 MEMBER GOODSELL: What --

15 MS. TSOUKALAS CURTO: And we don't have deliveries. We
16 have, for example, he has an Amazon truck coming in. He'll park
17 in the front. He'll drop it off. It's a small box, and he'll
18 leave. He doesn't have --

19 MEMBER GOODSELL: I was gonna ask you, what possible
20 supplies need to be delivered by a large vehicle?

21 MS. TSOUKALAS CURTO: Yeah, none. When you first actually
22 do a gym, right? You have your equipment that you have to do,
23 and you do that off hours, but other than that, you don't need
24 trucks to come in. You just need an Amazon.

25 MEMBER GOODSELL: There's no food distribution on the
26 premises? There's no restaurant?

1 MS. TSOUKALAS CURTO: No, no restaurant.

2 MEMBER DONATELLI: Another question. In the 20 years that
3 Power 10 has been operating, has the applicant received any
4 violations, any complaints, any 311 complaints?

5 MS. TSOUKALAS CURTO: None from any neighbors or complaints
6 with respect to parking or traffic or anything like that. There
7 was only just this one issue that came up, which is why we're
8 here before this Board now. I guess, it triggered the variance
9 'cause they came in and saw that there were changes made.

10 MEMBER DONATELLI: Understood. Okay, so please continue
11 with your presentation.

12 MS. TSOUKALAS CURTO: The only thing I'm going to go
13 through is the area variance 'cause I know you want us to do
14 that.

15 MEMBER DONATELLI: Sure.

16 MS. TSOUKALAS CURTO: The existing gym is in character with
17 other commercial uses in the area. It has been at this location
18 for 20 years. As mentioned, there is sufficient parking on site
19 and in the surrounding area to accommodate the existing demand.
20 Also, parking in the front yard is common in this area as
21 mentioned. Also, loading space is not provided, but we also
22 don't need one for this use, and the only deliveries we have are
23 Amazon and small box trucks for small packages.

24 The use has not had a negative impact on the environment.
25 The operator has confirmed that there are no neighbor complaints
26 regarding traffic or parking associated with the use. The

1 applicant cannot maintain the use without the granting of the
2 requested relief. As mentioned the parking variance was
3 previously granted for a similar use in June of 2021.

4 The requested relief is not substantial, although
5 numerically substantial. The granting of the variance will not
6 have a negative impact on the character, which is the
7 controlling factor when determining whether a variance is
8 substantial.

9 Also, this is not a self-created hardship. The gym been
10 there since 2005, and the applicant was told that all necessary
11 approvals were in place to operate the gym, and the minor
12 modifications that were done did not trigger a larger variance
13 request. So for all reasons, we request that the variance be
14 granted.

15 MEMBER DONATELLI: Any questions or comments?

16 CHAIRMAN MAMMINA: No.

17 MEMBER GOODSSELL: I didn't even know that this property was
18 a separate property. I assumed it was part of the tennis club.

19 MS. TSOUKALAS CURTO: Oh, okay.

20 MEMBER DONATELLI: A lot of people do. So Mr. Chairman, in
21 my mind, the fact the business has been operating for 20 years,
22 and it has been operating successfully without complaints from
23 the neighbors really speaks volumes. The deficiency from 36
24 to 24 provided spaces appears to somehow be working for the
25 premises. It is self-contained. There really is very limited
26 spillover. There's virtually no spillover occurring to

1 residential areas. So for all of those reasons, I propose a
2 motion to approve the application.

3 CHAIRMAN MAMMINA: Motion for approval. Do we have a
4 second?

5 MEMBER GOODSSELL: I will second that.

6 CHAIRMAN MAMMINA: Seconded by Member Goodsell. Please
7 poll the Board.

8 SECRETARY WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Member Goodsell?

11 MEMBER GOODSSELL: Aye.

12 SECRETARY WAGNER: Member Donatelli?

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Vice Chairman Francis?

15 VICE CHAIRMAN FRANCIS: Aye.

16 SECRETARY WAGNER: Chairman Mammina?

17 CHAIRMAN MAMMINA: Aye. Application is granted.

18 MS. TSOUKALAS CURTO: Thank you very much.

19

20 SECRETARY WAGNER: Next Appeal #21573, Commonwealth O'Leary
21 Real Estate Corp, 1833 Gilford Avenue, New Hyde Park; Section 8,
22 Block 190, Lot 15; in the Industrial B zoning district.

23 Variances from 70-103.A(1), 70-103.B, 70-103.M, 70-103.O,
24 70-212.B, and 70-231 to legalize an interior mezzanine that
25 requires site plan review with not enough parking on site,
26 parking spaces that are too small, drive aisles that are too

1 narrow and construction of an outdoor storage area that is too
2 large and too close to the front property line, with parking
3 spaces that are too close to the street and do not have usable
4 access to the street and an appeal for determination that site
5 plan under 70-219.A(1)(a) is not required.

6 CHAIRMAN MAMMINA: You heard Appeal #21573, Commonwealth
7 O'Leary Real Estate Corp. Is there anyone in the room
8 interested in the application or than the applicant? Seeing one
9 hand, and you will have an opportunity to speak whenever you'd
10 like.

11 MR. MIGATZ: For the applicant, Bruce W. Migatz, with the
12 law firm Albanese & Albanese, 1050 Franklin Avenue, Garden City.
13 Good afternoon. On the onset, I'd like to submit a binder of
14 pre-marked Exhibits 1 through 9. I have a copy for the record
15 and a copy for every board member.

16 With me. I have this afternoon is Michael O'Leary who is
17 the principal of the owner Commonwealth O'Leary Real Estate
18 Corp., and the principal of the tenant of the building, O'Leary
19 Construction, Inc. Mr. O'Leary had a slight accident. He's
20 behind me in a wheelchair, and also, with me today is Wayne
21 Muller from R&M Engineering. He prepared a traffic and parking
22 study, which he will surmise for you.

23 Subject property is 1833 Gilford Avenue, New Hyde Park,
24 Section 8, Block 190, Lots 15 through 19 and 37 through 44.
25 It's zoned Industrial B. Before you today as readily in the
26 legal notice is an application to maintain an existing mezzanine

1 interior to a warehouse building and to permit a new outdoor
2 storage area, which has been in existence for quite some time as
3 well.

4 The second part is to seek a determination that site plan
5 review is not required for what is proposed for the proposed
6 interior mezzanine.

7 Exhibit 1 is C of O for the existing warehouse, which was
8 issued in 1951.

9 Exhibit 2 is a decision of this Board in Appeal # 20711,
10 April 17, 2019. I was before you with the applicant at that
11 time. The applicant had obtained the adjacent property 1827
12 Gilford Avenue, and the applicant was proposing to demolish that
13 building and provide extra parking at 1833 Gilford, the subject
14 property. Part of that application was to raise the roof, the
15 subject building, 1833, when it was built, it had different roof
16 heights, and in the prior application that roof -- low roof was
17 elevated to match the higher roof. While they did that, they
18 snuck in a mezzanine without a permit. When I say snuck in, I
19 mean, there was a no permit for. Whether or not, at that time,
20 the applicant realized he needed a permit for the mezzanine I do
21 not know. I did not inquire. It's not really relevant. The
22 fact is that it is there, and it does not have a permit, and it
23 needs to be legalized, which is why we're here before you.

24 Second aspect of that application is to maintain the
25 existing storage on that parking lot that was built pursuant to
26 the prior variance. That parking lot, my understanding, has

1 never been used to park employee vehicles. Of course, as
2 Mr. Muller will testify too, there are very few employees
3 working at this warehouse. It was always used to park vehicle
4 trucks.

5 How did we get before you on this? Well, I drove by, and I
6 said what are these trucks doing here? I always inspect
7 properties on my applications, and the application that had been
8 filed originally was to legalize a mezzanine. When I went to
9 look at the property, I saw there were trucks parked in the
10 parking lot. I spoke to Mr. O'Leary, and he said that's what
11 I've always used it for before. I don't need employee parking.
12 So I explained, though, you have to get a permit for outdoor
13 storage of those truck and the equipment and seek a parking
14 variance. So that explains why we are here.

15 I will let Mr. Muller testify momentarily to the need for
16 parking or the lack of a need for parking, and that the existing
17 parking spaces in front of the building on Gilford and behind
18 the building on Falmouth are more than sufficient for this use
19 in connection with street parking that's also available.

20 This disapproval notice cites that six spaces are on
21 Falmouth Avenue and four spaces on Gilford Avenue have dimension
22 of less than 20 feet in length, and are located in the required
23 front yard, and do not have a drive access aisle of 20 feet, and
24 do not have a direct usable access because there's a curb in
25 front of those parking spaces. The parking spaces on Gilford
26 Avenue are undersized. They are 10 by 17 feet and nine inches.

1 We submit a corrected site plan, which coincides with the
2 survey, and the parking spaces on Falmouth are 20 feet. They
3 are 10 by 20. Now, those parking spaces have been in existence
4 for a long time.

5 Exhibit 3 is a section of the site plan in that prior
6 appeal before this Board in 2017, and it shows the existing
7 parking in the front yard on Gilford, and it shows existing
8 parking in the front yard on Falmouth. It does show that
9 there's not a curb -- they are not accessed by the curb cuts.
10 I'm sure the Board has been there. There are depressed curbs to
11 some degree in front of these parking spaces and access to the
12 these parking spaces is over the depressed curb. I'm sure you
13 drove around the area. It's quite common in that industrial
14 part, where there is parking in front yard and access is over
15 that curb. It's very common in the Westbury Industrial Park as
16 well. I've handled some applications there, and they too have
17 parking in front of the building near the front yard. Access
18 directly over the curb. That was shown in 2017, and it was not
19 raised by the building department at that time, and that site
20 plan was approved by the zoning board.

21 Now, Exhibit 4, taking a page out of the book of my good
22 friend, Deputy Commissioner Norjen, is a Google aerial shot from
23 April 2024, and that Exhibit 4, I do have a blown-up copy to
24 give you.

25 MR. TUMBARELLO: It's in the packet already.

26 MR. MIGATZ: That's just an exhibit. The building

1 department likes to go back to the old Google Maps and see what
2 was there, and what has permits, and what doesn't have permits.
3 The clearest historical image that I could get off of Google
4 Maps -- I'm sorry, Google Earth, is an image from April 2004.
5 You can see that the parking on Gilford Avenue and in front of
6 that building over the curb, it was there in 2004, and in the
7 parking on Falmouth, access over the curb, was there in 2004, so
8 these parking spaces have been used for at least 21 years, if
9 not longer.

10 The building department has every right to raise something
11 that they miss the first time. I'm not saying they don't. It
12 was on the plan that the zoning board looked at. The zoning
13 board did not have an issue with it at that time, and it is
14 common in this industrial park, in the Westbury Industrial Park,
15 and it works. It works. It is Industrial B, and it's not
16 Residence AAA, so things are not always perfect in Industrial B.
17 This site -- driving around these streets, I'm sure you did, is
18 probably the neatest piece of property there is. There are a
19 lot of businesses that are doing their business in the road.
20 Mr. O'Leary doesn't do that. He has his trucks in his parking
21 lot. They're not in the road. He's not doing his business in
22 the road. So we are seeking to legalize that storage area. It
23 requires taking away the parking spaces. Mr. Muller will
24 testify we don't need those parking spaces, and it does require
25 a variance that the code says outdoor storage must be setback
26 120 feet from the front property line, which is impossible in

1 almost every property in Industrial B, and this Board has
2 recognized that in the past, and has given that variance
3 numerous times. We are requesting more than 15 percent of the
4 area. Total allowed is 15 percent of the area to be used for
5 outdoor storage. We are seeking 21.8 percent to use that entire
6 parking lot for the parking of the vehicles and some equipment.
7 As I said, this Board granted the variance for less than
8 120 feet from the front property line.

9 Exhibit 5 is the Allied building, Appeal 20128, 85 Denton
10 Avenue. Same industrial area.

11 Exhibit 6, Probuild, which is on Falmouth and Gould Street,
12 Appeal #20162. A variance for being setback less than 120 feet.

13 Exhibit 7, Appeal #20670. That's Pioneer Building Supply.
14 Same variance granted for not being setback more than a
15 120 feet.

16 The applicant has -- the site plan does show the required
17 18-foot setback for entry the dates, and it does show a
18 7-foot-high fence to screen the storage at which the code
19 required. So the variance is limited to the setback and the
20 amount.

21 Going through the area variance standards -- well, before I
22 do that, let me have Wayne Muller testify.

23 MR. MULLER: Good afternoon, again. For the record, Wayne
24 Muller, Robinson & Muller Engineering. Office is at 50 Elm
25 Street, Huntington, New York. As Mr. Migatz has indicated, we
26 did prepare analysis. It was also dated November 21, 2024,

1 previously submit to the Board to be made part of the record.

2 As indicated in our report, we did perform observations of
3 the level of parking activity with employees associated with the
4 subject property. That information is summarized in the tables
5 appended to my report. In addition, we observed the on-street
6 parking of Falmouth and Gilford.

7 As indicated in my report, the maximum peak demand that we
8 saw in or around the site occurred at 3:00 October 15th. On
9 street there were 53 parked in those areas on Falmouth and
10 Gilford, and there were 15 vacant spots, and on site, at that
11 time, we saw a maximum of four vehicles associated with the
12 property. We also went back on Saturday because they are open
13 on Saturdays, and we found there were parked -- on Saturday, the
14 level of activity on street was less.

15 So based on our observations, Mr. Migatz, is correct
16 insomuch as that they're, you know, this is not an employee
17 intent use or uses that are on property, and that the removal of
18 the space is to allow the storage of equipment and materials in
19 the area to the west of the building would be appropriate.

20 I'd be happy to answer any questions if the Board may have
21 any.

22 MEMBER GOODSSELL: I do have an observation, and see if you
23 agree. It seems to me -- and I visited this property. The
24 applicant has more of a problem with other people in the street
25 parking on his parking lot than he has with his customers and
26 employees parking elsewhere. It was not a high use property,

1 where as Mr. Migatz is correct, across the street and next door,
2 there are a lot of businesses whose cars and trucks just pull
3 right up and stop in the street in order to load, unload and do
4 business, so. It seems that the use that this applicant has for
5 his parking spaces, he doesn't need more parking spaces, even
6 though he should have.

7 MR. MULLER: That's correct, yes. Your observations of the
8 level of activity in or around the environment due to other
9 businesses that are in the area is correct.

10 MEMBER GOODSSELL: I was there in the middle of the day. I
11 could barely turn around.

12 MR. MULLER: There's a lot of activity going on in that
13 area, but the nice part about it is it's confined to the
14 industrial area --

15 MEMBER GOODSSELL: Well, yes, because --

16 MR. MULLER: -- and it doesn't spill out.

17 MEMBER GOODSSELL: -- Gilford and Falmouth and other streets
18 that are there do not go up the hill into the neighborhood.
19 It's stopped. Literally --

20 MR. MULLER: Correct.

21 MEMBER GOODSSELL: -- they're dead-end streets, and that
22 contains the activity of the industrial section, but it is
23 pretty heavily used.

24 MR. MULLER: It's an industrial area. That's where the --
25 I think the town in they're infinite wisdom had put that --
26 designated that area as industrial; therefore, it's functioning

1 properly. It's not spilling into the neighboring residential
2 areas.

3 CHAIRMAN MAMMINA: We have a few of those pockets in town.

4 MR. MULLER: Yes, that's correct.

5 CHAIRMAN MAMMINA: Have to be somewhere, unfortunately.

6 MR. MULLER: That is very true. I have nothing further.

7 MR. MIGATZ: Moving on to the determination that the
8 construction of an interior -- well, let me go through the
9 standard; sorry.

10 An area variance, granting a parking variance or the
11 variance for the amount of storage and being setback less than
12 120 feet have an adverse impact on the community. As far as
13 parking, Mr. Muller's report, I think, establishes this site
14 does not have a parking variance. It does not have a parking
15 problem, and this site, if you allow them to continue to use the
16 outdoor storage area to its max, it gets all their equipment and
17 trucks off the street. It's an improvement to the character of
18 that community.

19 Can the benefit be obtained by some other means? No, it
20 cannot.

21 Is it substantial percentage-wise? I don't think it's a
22 substantial percent variance, but that is -- has to be looked at
23 not in a vacuum, in totality of the circumstances or ways
24 against this variance being substantial. Unlisted action for
25 SEQRA.

26 The difficulty is self-created because it was property that

1 was purchased subject to the zoning and code in which a variance
2 is sort, so that is only one factor. In weighing those factors,
3 we submit to you that Mr. O'Leary is benefitting this area by
4 what he is seeking to continue to do.

5 Turning to the determination of that site plan review is
6 not required for the addition of a mezzanine. The building --
7 the disapproval does not cite site plan needed because of
8 outdoor storage because there's plenty of applications, outdoor
9 storage there are no site plan reviews. The disapproval notice
10 cites that it is an addition to the building and pursuant to
11 70.219; in addition, over 750 square feet require site plan
12 review.

13 Now, I am not asking this Board to determine that no
14 interior addition might warrant site plan review. The reading
15 of the code, which I'm going to quote sections, I don't think it
16 applies to interior alteration, but it could if it was
17 substantial. So I'm not asking this Board to determine that no
18 interior alteration would ever have to go for site plan review.
19 I'm asking to determine that this mezzanine for storage in the
20 warehouse does not have to go for site plan review.

21 Exhibit 8 --

22 MEMBER GOODSSELL: How many square feet is the mezzanine?

23 MR. MIGATZ: So 1983.

24 AUDIENCE MEMBER: It's 1933.

25 MEMBER GOODSSELL: Yes, 1933.

26 MR. MIGATZ: Yes, 1933. It would be cheaper to cut off

1 1,000 square feet than to go for a site plan review. But if you
2 look at Exhibit 8, this is the standards. This is what is
3 required for site plan review application, and what is required
4 should indicate to you that this interior mezzanine does not
5 need site plan review. I'm not sure if I highlighted the
6 sections on your copy, but I'll just quote some of these.

7 "A site plan fully dimension, which shall include the
8 following among other things; landscaping, signs, and lighting."
9 Where are you going to put landscape on this piece of property.
10 Where are you going to be put lighting? I mean lighting is very
11 rare for the outdoor storage. The mezzanine doesn't require
12 lighting.

13 Parking and loading facilities; a mezzanine interior to
14 this building doesn't generate anymore need for a parking or
15 loading facility, and there is one any way in the parking lot.

16 "The site plan must show that it has vehicular access to
17 and from an adjoining property." That doesn't apply to an
18 interior mezzanine alteration.

19 "The site plan must show right-of-way approvals or road
20 widening." That doesn't apply to a mezzanine being constructed.

21 Subsection 4; "Building elevations and section, which shall
22 include, building height elevation. Proposed fast materials to
23 all exterior surfaces. Sketches to scare imitating design-co
24 and material of signs accompanied by a brief narrative
25 explaining the lighting mechanism."

26 "Building perspective general photo simulation. The main

1 building is viewed from all public right-of-way. The main
2 building has view from unapproached from within the site."

3 Landscape plan; where are you going to put a landscape plan
4 in Industrial B?

5 Drainage and settlement in roads with control plan; this
6 parking lot when the parking lot was paved, it has an improved
7 drainage already. No need for a new drainage plan to be
8 submitted.

9 A lighting plan; "Review standards; overall impact on the
10 neighborhood, including a compatibility of design consideration
11 at the street for screening for residential properties." There
12 are no residential properties. You can't see this mezzanine.
13 It's interior.

14 Adequate drainage; we talked about that already.

15 "Compliance with the community visionary or vision plan,
16 which has been adopted by the Town Board."

17 Looking at these standards, common sense tells you that the
18 code is talking about an exterior addition, which you may want
19 to landscape. You may need more lighting. You may need more
20 drainage. Who wants to see what it's going to look like? We
21 want to see a perspective. We want to see the facade treatment.
22 That's all for exterior alterations, not an interior mezzanine.
23 But again, you don't have to rule and never applies to interior,
24 but clearly, this mezzanine should not have to go for a costly,
25 a very costly application for site plan review, when there's no
26 site to approve. There's no site to approve. It's just going

1 to be a very, very expensive application for this applicant; for
2 what? So you have the authority to determine or vary that this
3 mezzanine doesn't require site plan review.

4 I will turn the stage to Mr. Norjen.

5 DEPUTY COMMISSIONER NORJEN: Glen Norjen, deputy
6 commissioner of the building department. Mr. Migatz read the
7 section about what the Board looks at. I'm going to read the
8 section that the building department has to issue notices of
9 disapprovals about.

10 When is a site plan required? You'd be required --

11 MR. MIGATZ: What are you reading from? Your own notes?

12 DEPUTY COMMISSIONER NORJEN: Yes.

13 MR. MIGATZ: Oh. Let's read from the code.

14 DEPUTY COMMISSIONER NORJEN: No, this is the code.

15 MR. MIGATZ: Oh, okay.

16 DEPUTY COMMISSIONER NORJEN: This is 70-219. "When is a
17 site plan required? Business industrial sections; a site plan
18 review is required when the construction of a new building or a
19 structure or addition to an existing structure of greater than
20 750 square feet." Well, a -- square feet of floor area.

21 Now -- let me change pages here. The term floor area it
22 doesn't include just additions. In all codes in our own
23 definition of gross floor area, which is just how much floor
24 you're allowed to have, it doesn't exclude mezzanines.

25 "The sum of the gross horizontal areas of the several
26 floors of the building, including interior balconies and

1 mezzanines." It specifically says that mezzanines are floor
2 area. So based on that, the building department has to say that
3 it requires a site plan review. We're not allowed to determine
4 what the Board -- I mean, the Town Board is going to be looking
5 at. Maybe they want landscaping put on this Industrial B
6 property. Maybe they want changes to lighting. Maybe they
7 don't agree with that parking in the front yard because we've
8 had instances when the Town Board hasn't agreed with the Board
9 of Zoning Appeals as far as variances go, and then we send them
10 back here because both boards have to agree on the same thing in
11 order for it to go forward. So it's not all about exterior
12 work.

13 One of the requirements for site plan review would be, "An
14 existing retail use greater than 20,000 square feet on a site
15 that creates three or more retail places." Well, you took that
16 same building and changed the interior. Instead of one big
17 retail store, you now have three. That can be done without a
18 change to the exterior at all. So once again, the Board --
19 building department has to interpret the code and to me, the
20 clear interpretation that the building department has to go by
21 is that this requires site plan review. It's more than 750
22 square feet and meets the definition of increase in floor area,
23 and that's not just the town definition of floor area, the
24 building code. Their code 505.233 says, "Mezzanines or portions
25 thereof are not required to be open provided that the aggregate
26 floor area of the enclosed space is not greater than ten percent

1 of the mezzanine area." Well, they're talking about floor area
2 there. I mean, everything in either the building code or the
3 zoning code says that this is an increase in floor area. It's
4 greater than 750 square feet. The building department's
5 determination as part of the notice of disapproval is that it
6 requires site plan review.

7 CHAIRMAN MAMMINA: I'm not sure about the mix of the
8 building code with what the town code says.

9 DEPUTY COMMISSIONER NORJEN: Okay.

10 CHAIRMAN MAMMINA: Can you read that section just so that I
11 can --

12 DEPUTY COMMISSIONER NORJEN: Which one?

13 CHAIRMAN MAMMINA: The one regarding the town requirements.

14 DEPUTY COMMISSIONER NORJEN: The town requirements?

15 CHAIRMAN MAMMINA: Yeah.

16 DEPUTY COMMISSIONER NORJEN: Yeah, that was just the
17 definition 70-231, the definition of gross floor area,
18 nonresidential.

19 CHAIRMAN MAMMINA: And all those other things that you had
20 cited are all in that definition? Like the three retail stores,
21 and --

22 DEPUTY COMMISSIONER NORJEN: Yeah -- well, no, that was in
23 219 as far as what requires site plan review.

24 CHAIRMAN MAMMINA: Okay. I guess I'm confused. I might
25 ask because it didn't take very long to just pop through that
26 again.

1 DEPUTY COMMISSIONER NORJEN: Okay, 70-219 is the
2 requirements for site plan review. Commercial, industrial
3 properties more than 750 square feet of floor area, and then I
4 referenced the definition of gross floor area, which says it
5 includes mezzanines.

6 CHAIRMAN MAMMINA: That's the town's code.

7 DEPUTY COMMISSIONER NORJEN: That's the town's definition
8 of gross floor area. So -- and then the thing about when site
9 plan review is required, 70-219 about the conversion of a single
10 retail use of 20,000 square feet to three or more, that's also
11 in which -- what sends you to the -- I'm just using that as an
12 example.

13 CHAIRMAN MAMMINA: As an example, I get it.

14 DEPUTY COMMISSIONER NORJEN: Yeah, as an example of an
15 interior alteration that doesn't -- that still requires site
16 plan review.

17 CHAIRMAN MAMMINA: That'll give me what I'd like. That's
18 fine. Thank you.

19 DEPUTY COMMISSIONER NORJEN: Any other questions?

20 VICE CHAIRMAN FRANCIS: No.

21 MR. MIGATZ: Mixing apples and oranges. Let's stick to the
22 notice of disapproval. It says that because there's an addition
23 to the building, not that we're subdividing retail stores. That
24 there's an addition to the building more than 750 square feet so
25 you need a site plan review. This is another example of not
26 being practical when the building department looks at codes and

1 applications. There always some discretion; common sense. The
2 district attorney's office doesn't have to prosecute every
3 crime. They have discretion. A police officer doesn't have to
4 stop every car that's going more than 55 miles an hour. He has
5 some discretion. When looking at these codes, the building
6 department -- and there's probably an argument to be made some
7 other day, some other Board. Let's use some practical sense.
8 What is the purpose of a site plan review for an interior
9 mezzanine? There is no purpose to be served? We can't approve.
10 It's an industrial park, and this parking has been there for
11 more than 21 years. It's on the approved plan by this Board. I
12 mean, I don't see how Town Board can say, no, you can't park
13 there. It doesn't make sense.

14 MEMBER GOODSSELL: Well, Mr. Migatz, wouldn't it make a
15 great deal if the mezzanine was being used by office, whether
16 they're employees as opposed to storage, which is we gather what
17 the mezzanine is being used for.

18 MR. MIGATZ: Well, Counselor, that's a hypothetical that
19 I'm not going to answer because I said -- I'm not saying there's
20 no situation where perhaps an addition inside, but --

21 MEMBER GOODSSELL: Then let me ask you directly. What is
22 the mezzanine being used for?

23 MR. MIGATZ: Storage.

24 MEMBER GOODSSELL: All storage?

25 MR. MIGATZ: Yes.

26 MEMBER GOODSSELL: What type of trucks? What type of

1 business is the applicant?

2 MR. MIGATZ: He's in construction business.

3 MEMBER GOODSSELL: So what types of trucks are being stored
4 on the premises?

5 MR. MIGATZ: Well, you were there, right? Construction
6 vehicles.

7 MEMBER GOODSSELL: Okay. These are construction vehicles --
8 they're not 18-wheelers, correct?

9 MR. MIGATZ: Don't think so, no.

10 MEMBER GOODSSELL: Then the storage on the mezzanine, is it
11 construction materials?

12 MR. MIGATZ: Yes.

13 MEMBER GOODSSELL: No offices? No increase --

14 MR. MIGATZ: No, there are offices on the first floor.
15 Correct, Mr. O'Leary? Yes.

16 MEMBER GOODSSELL: He's nodding his head. I gather that
17 they do.

18 MEMBER HERNANDEZ: But the plans say construction office
19 and mezzanine each level. What does that mean?

20 MR. MIGATZ: A little confusing. The office is the same
21 size on the first floor, 1933 square feet as the mezzanine --

22 MEMBER HERNANDEZ: So above the office.

23 MR. MIGATZ: The mezzanine is above the office. Now, the
24 Court of Appeals has held that this Board can vary any section
25 of the zoning code, any section, and we're asking you to make a
26 determination or give a variance that -- the totality of the

1 circumstances, this applicant should not have to go through an
2 expense, which is -- I'm telling you tens of thousands of
3 dollars to make a site plan application. I've done them for a
4 mezzanine. He'd just as soon to rip it out.

5 So again, I'm not saying -- I'm not asking you to determine
6 that no interior alterations should go for site plan. I'm
7 asking you to determine this does not have to go through site
8 plan review.

9 MEMBER HERNANDEZ: Can I ask a question because the numbers
10 are not on your complaint. What is the height of the building,
11 and what is the height of the office?

12 MR. MIGATZ: The office is on the first floor.

13 MEMBER HERNANDEZ: Right, but what is the height? I'm
14 assuming there's no square feet in the building.

15 MR. MIGATZ: No.

16 MEMBER HERNANDEZ: It's a very tall building.

17 MR. MIGATZ: Yeah.

18 DEPUTY COMMISSIONER NORJEN: I took a look at it. I can
19 answer.

20 MEMBER HERNANDEZ: You know the numbers?

21 MR. MIGATZ: My partner is going to answer that.

22 DEPUTY COMMISSIONER NORJEN: Glen Norjen, deputy
23 commissioner building department. I looked at the plans before.
24 It was 11 feet on the first floor; 11 feet above the mezzanine.
25 It's a 22 foot.

26 MEMBER HERNANDEZ: Okay, so the office is 11 feet tall?

1 DEPUTY COMMISSIONER NORJEN: Yeah.

2 MEMBER HERNANDEZ: And then further 11. This is
3 22-foot-high ceiling.

4 DEPUTY COMMISSIONER NORJEN: Yes.

5 MEMBER HERNANDEZ: All right.

6 MR. MIGATZ: Thank you. Does the Board have any further
7 questions?

8 CHAIRMAN MAMMINA: I don't think so. I think we'll close
9 the hearing, and we'll reserve on it just for another visit to
10 the site.

11 MR. MIGATZ: Sure.

12 CHAIRMAN MAMMINA: And take a look at that section of the
13 ordinance because I do understand what you're saying as a design
14 professional, and at the same time, we respect Mr. Norjen.
15 Also, Mr. Norjen has said many times to us, look you can decide
16 whatever you would like, and then I have direction as to what in
17 the future is the direction. That's not gonna help your client
18 today, but it may help him out on the next. I think that's
19 fair.

20 MR. MIGATZ: Thank you.

21 MEMBER GOODSSELL: Thank you. Good presentation. Thank you
22 for that information.

23 SECRETARY WAGNER: So reserve?

24 CHAIRMAN MAMMINA: Yes, we'll reserve. Just, for the
25 client, that means nobody has to come back again. Nothing else
26 has to be given to us. We're going to look at the property

1 again. We're going to read those sections to see what
2 Mr. Norjen was saying, see what Mr. Migatz is saying because as
3 many times as I have looked at those, they're not engraved on my
4 brain. We do look at them and as it would affect a different
5 case at another time. So with that said, thank you all.

6 MR. O'LEARY: Thank you.

7

8 SECRETARY WAGNER: Next appeal, Appeal #21675, Gap Factory
9 Wall Sign; 1454 Union Turnpike, New Hyde Park; Section 8, Block
10 235, Lot 56; in the Business AA zoning district.

11 Variances 70-196(J) (1) (b) & 70-196(J) (1) (f) to construct a
12 sign that is too tall and too high above the ground.

13 CHAIRMAN MAMMINA: You've heard Appeal #21675, Gap Factory
14 wall sign. Is there anyone in the room interested in the
15 application other than the applicant?

16 MS. PREVETE: They're mine.

17 CHAIRMAN MAMMINA: Seeing no one. That's always a good
18 thing.

19 MS. PREVETE: Good afternoon, Mr. Chairman, Members of the
20 Board. My name is Diana Prevete. I'm an attorney with the law
21 firm of Albanese & Albanese, 1050 Franklin Avenue, Garden City.
22 I represent the lessee and the applicant Gap Factory, who's
23 seeking variances for a wall sign that exceeds the permitted
24 height above the ground and the permitted vertical measurement.
25 The wall sign is for the existing retail store Gap Factory,
26 which is located within the Lake Success Shopping Center. The

1 address is 1545 Union Turnpike. With me today, is Lisa Conrad
2 of Sargenti. That's the architect of Gap Factory. George
3 Calvesky of Capital Signs, who's the sign installer, and of
4 course, you know Mr. Rob Peck, who's the managing agent for the
5 owner of the shopping center.

6 A little history. Gap Factory has about 220 locations in
7 the US as of 2024. It has seven locations on Long Island,
8 including Gallery in Westbury; the Archers in Tangers, Deer
9 Park, Long Beach; Woodbury Plaza in Plainview; Bell Port
10 Outlets, and Tangers in Riverhead. Lake Success would be the
11 eighth location.

12 The shopping center has approximately 2,118 linear feet
13 along Union Turnpike. As you know, there's -- to the east
14 there's the freestanding HSBC Bank located east of Shake Shack,
15 then going west to the most western end of the shopping center
16 you have Target. The hours of operation of Gap Factory are
17 10:00 A.M. to 8:00 P.M., except for Sunday when the hours are
18 10:00 A.M. to 7:00 P.M.

19 As you know, the shopping center was constructed in
20 approximately 1949. The Gap Factory store is located at the
21 western end of the shopping center. Right now, it's between two
22 vacant stores, but the two stores closest that are occupied are
23 Wild Fig to the east, and Victoria Secret to the west. The Gap
24 Factory store has approximately a total of 10,320 square feet,
25 but 5,568 is dedicated to sales. The rest is storage and other
26 minor office type space.

1 I do have a few exhibits as I normally hand out. I have a
2 copy of the tax map, which we can mark as Exhibit 1. I have
3 some photographs of the existing sign on Gap Factory's store,
4 and other signs within the shopping center, which I'm going to
5 mark as Exhibit 2, and I have a copy of the zoning map showing
6 the location of the property in Business AA district, as
7 Exhibit 3.

8 SECRETARY WAGNER: Did you label them?

9 MS. PREVETE: We did.

10 SECRETARY WAGNER: So the first one is --

11 MS. PREVETE: Tax map is Exhibit 1.

12 SECRETARY WAGNER: Okay.

13 MS. PREVETE: Photos, Exhibit 2.

14 SECRETARY WAGNER: Zoning map Exhibit 3.

15 MS. PREVETE: Yes, correct.

16 This Gap Factory store opened on November 6, 2024, and at
17 the time that the store opened, a sign permit was obtained to
18 install a store Gap Factory sign which complied with the code.
19 The height is 18 feet to top and the vertical measurement is
20 four and a half, 54 inches. All in compliance with the code,
21 but they wanted to get a sign up because they were opening in
22 November, so they went through the expense of putting a sign up.

23 MEMBER GOODSELL: Say it again? When did they open?

24 MS. PREVETE: November 6, 2024.

25 MEMBER GOODSELL: Okay, so they just opened.

26 MS. PREVETE: They just opened, correct.

1 MEMBER GOODSSELL: I'm a long time Gap shopper.
2 Unfortunately, three children has given me a figure that
3 unfortunately Gap doesn't cater to, but I -- the sign is already
4 up; is that correct?

5 MS. PREVETE: Yes, that's the compliant sign.

6 MEMBER GOODSSELL: That's the compliant sign. Now, they
7 would like to change it to this sign, which is the larger; is
8 that correct?

9 MS. PREVETE: It's got a larger vertical measurement than
10 permitted. Square footage is okay, and its height is a foot
11 higher; 19 feet instead of 18.

12 MEMBER GOODSSELL: So they'd like to move the existing up;
13 is that correct?

14 MS. PREVETE: The existing sign is only four and a half
15 vertical measurement. They are proposing to put a 7-foot
16 vertical measurement. The reason for that is, you know, this
17 has over 60 feet of storefront. If you go to the shopping
18 center and you can see in the photographs, and you look at the
19 compliant sign, it kind of gets lost on that very high facade,
20 and it's literally just at the opening under the canopy. So
21 what they're proposing --

22 MEMBER GOODSSELL: I would have to agree with you that the
23 location of the sign right now doesn't look aesthetically
24 pleasing.

25 MS. PREVETE: Exactly.

26 MEMBER GOODSSELL: It looks like it belongs someplace else.

1 MS. PREVETE: Yes.

2 MEMBER GOODSSELL: So this would be in compliance for the
3 sign. The other thing is Gap has had a navy and white sign,
4 probably this very graphic for as long as I can remember Gap.

5 MS. PREVETE: Yes, I did check with Gap's main office, and
6 they did confirm to me that this is their national branding
7 throughout the US and Canada. There are slight variations on
8 it, but it is consistently this blue and white with the Gap, and
9 because this is slightly different than the Gap, it's Gap
10 Factory, this is their national branding for this Gap Factory.

11 MEMBER GOODSSELL: But the national brand is not a
12 7-foot-by-7-foot sign. The national brand is not an 84-inch
13 square sign?

14 MS. PREVETE: No.

15 MEMBER GOODSSELL: The national brand is a navy sign with
16 white lettering.

17 MS. PREVETE: Correct. The reason for the variance as I've
18 indicated --

19 MEMBER GOODSSELL: That's a large sign.

20 MEMBER HERNANDEZ: That's a very, very large Gap. As a
21 matter of fact, the difference between the size of the Gap,
22 which is 7 feet tall and Factory height is only 1 foot 2 inches.
23 It's basically 14 inches higher.

24 MS. PREVETE: We're not seeking a variance for the square
25 footage. We are seeking a variance for the vertical
26 measurement. We're going to 7 feet in vertical measurement, not

1 horizontal. That's what the variance section is cited for, so
2 we're seeking a variance of 70-196(J)(1)(b) to permit a wall
3 sign exceeding the permitted vertical measurement only, not
4 square footage, okay? We're permitted 54 inches. What we're
5 proposing is 84 inches.

6 MEMBER GOODSSELL: The sign that's up there now, that's the
7 54 inches.

8 MS. PREVETE: Exactly.

9 VICE CHAIRMAN FRANCIS: Eighty-four inches long.

10 MEMBER GOODSSELL: As one Board member, I'm less concerned
11 with the height than I'm with the size of the sign.

12 MS. PREVETE: Right, but again this is --

13 MEMBER GOODSSELL: I'm just one Board member.

14 MS. PREVETE: Right, we're not seeking much larger square
15 footage. I'll give you other examples where the signs, not only
16 exceeded vertical measurement, but were way over the square
17 footage permitted. That's not what we're seeking here; just
18 height. We're going to one foot higher to 19 instead of the
19 required 18, and again, that's so it can be centered on this
20 very high facade. It is not --

21 MEMBER HERNANDEZ: Yeah, the centering, I'm totally
22 agreeing with you.

23 MS. PREVETE: Right.

24 MEMBER HERNANDEZ: It should be centered. That's where it
25 belongs.

26 MS. PREVETE: Right. It's the vertical measurement only,

1 not the square footage of the sign. The square footage is not
2 over.

3 VICE CHAIRMAN FRANCIS: If you know, how long is the
4 Victoria's Secret sign right next door to that? If you know.

5 MS. PREVETE: I honestly don't know how long the sign is.
6 I can give you the Paper Store. That's just located east of
7 there. The Paper Store --

8 MEMBER GOODSELL: That's a relatively new store.

9 MS. PREVETE: That's a relatively new store, and that --
10 the vertical measurement complies because the storefront is
11 wider, but that sign is -- should be 106.5 square feet. It's a
12 118 square feet, so it's larger and a variance was granted for
13 that sign.

14 Any other questions about what we're seeking before I move
15 on?

16 CHAIRMAN MAMMINA: If you could, the calculation of the
17 square footage, what -- yeah, when I was discussing this with
18 Member Hernandez he said it's limited to 24 square feet. I
19 said, no, I don't think so.

20 MS. PREVETE: Wasn't this approved for -- yeah.

21 CHAIRMAN MAMMINA: And I know that.

22 MS. PREVETE: Right. Only the vertical measurement 'cause
23 there's two sections in that. One is the vertical measurement
24 --

25 CHAIRMAN MAMMINA: Right.

26 MS. PREVETE: -- and one is square footage.

1 MEMBER DONATELLI: Yeah, so comparing it to Victoria's
2 Secret, as the vice chairman has just said. I mean, I notice
3 that there are windows on -- above the Victoria's Secret sign
4 that would really distinguish that from your property.

5 MS. PREVETE: Yes, that's slightly different facade, yeah.

6 MEMBER DONATELLI: So I would agree that the sign where it
7 currently exists, which is very low and almost touching the
8 arches, really does seem out of place and it would be fine as
9 one Board member.

10 (WHEREUPON, a discussion was held amongst Board Members.)

11 MEMBER DONATELLI: Getting to the 7-foot, square foot Gap
12 portion of the sign. Is that the standard size for the stores?
13 Is that a national logo branding?

14 MS. PREVETE: The two words are the national branding.
15 This particular sign with the 7-foot vertical measurement is
16 meant to make it proportional to the storefront linear footage
17 'cause the storefront linear footage, if you look at the
18 drawing, is 63 feet. We're only proposing a vertical
19 measurement linear of 7 feet, and the whole store front is
20 63 feet long, so we're just trying to center it and make it
21 propositional to the width of the storefront. So if you look at
22 the other -- some of the other photographs there. The Paper
23 Store is also larger than permitted, but we got a variance, and
24 it's centered and it's proportional to the length of the
25 storefront, which is larger than this particular storefront.

26 (WHEREUPON, a discussion was held amongst Board Members.)

1 MS. PREVETE: Any other questions before I move on?

2 CHAIRMAN MAMMINA: I think what we're messing with is --
3 and they're playing architect and not me on this one. About
4 where the sign is located and should it be up a little bit and
5 moved over or whatever, but that's not really our purview
6 because I understand what you're saying about the 63.

7 MS. PREVETE: Right, it's a -- I mean, it's not the widest
8 store but it is somewhat wider.

9 CHAIRMAN MAMMINA: But I'm saying, I don't know that
10 anybody's gonna perceive that width as much as they will the
11 two-and-a-half arches, but forgot about it. That's me
12 overthinking.

13 MS. PREVETE: I see what you're saying.

14 CHAIRMAN MAMMINA: That's all.

15 MEMBER GOODSELL: I apologize if you submitted it. Do you
16 have a rendering of the front of the building with the proposed
17 sign? I'm looking at the proposed sign in the dimension, but do
18 you have a rendering of the building with the proposed sign?

19 MS. PREVETE: You want like a photographic rendering?

20 MEMBER GOODSELL: No, because I have a photograph of what's
21 there.

22 MS. PREVETE: Right.

23 MEMBER GOODSELL: I mean a drawing of where the -- and how
24 big the sign is gonna be in proportion to the front. I'm
25 looking at this, which is the size of the sign. You see that?

26 MS. PREVETE: Yes.

1 CHAIRMAN MAMMINA: (Indicating).

2 MEMBER GOODSSELL: That's what I'm looking for. What
3 exhibit is this?

4 CHAIRMAN MAMMINA: Here it is.

5 SECRETARY WAGNER: It's in the plans.

6 DEPUTY TOWN ATTORNEY ALGIOS: It's one of the pages.

7 CHAIRMAN MAMMINA: It's page 3 of 7.

8 MS. PREVETE: Right, page 3 of 7.

9 CHAIRMAN MAMMINA: This shows the sign as they would like
10 to size it.

11 MEMBER GOODSSELL: Okay, and that's 7 by 7.

12 CHAIRMAN MAMMINA: That's 7 feet by 7 feet, and they did an
13 equal, equal --

14 MEMBER GOODSSELL: Right.

15 CHAIRMAN MAMMINA: -- in there, and then it's centered.

16 MEMBER GOODSSELL: Got it. That's what I was looking for.
17 I was focusing on the sign, and I was focusing on what's there
18 now.

19 CHAIRMAN MAMMINA: Okay.

20 MS. PREVETE: Okay?

21 MEMBER GOODSSELL: Yes.

22 MS. PREVETE: So the proposed signage as I've indicated as
23 you can see, there's a box sign with blue and white letters.
24 It's face lit with white LED, and then the second part of the
25 sign is blue channel letters face lit with white LED for the
26 Factory part of the sign. Again, as we've discussed, it is

1 their national branding.

2 As you know, the property is in Business AA district, and I
3 know that the Board is also familiar with, you know, the number
4 of variances that they granted for signage within the shopping
5 center. Just to give you an example with appeal numbers for
6 height variances. Some of these tenants are gone but variances
7 were granted for the Express sign at 23 feet high, instead of 18
8 under Appeal #17574. That was in October of 2024. Again,
9 another tenant that's gone Daily King. The sign was permitted
10 at 20 feet in height. That was Appeal #15481 in February 1996.
11 Of course, we know Sears is gone. Target took them over, and
12 Sears had a 29-foot-high sign, and that was under Appeal #14128,
13 March of 1990. Bed Bath also gone, but that sign variance was
14 for 27 feet and 8 inches high. Again, larger storefront, but
15 that was Appeal #18181 in February of 2007, and then more
16 recently, we had Pier 1 Imports, which permitted a sign at 21
17 feet 5 inches under Appeal #17343. Target in 2021, two signs
18 were permitted with height variances. One at 30 feet, and one
19 at 29 feet. Again, that's a higher building, but again, it's a
20 large variance for height. That was Appeal #21102.

21 As far as size variances, again, we have the Sears signs,
22 those were much larger than permitted under the code. There was
23 an Odd Job there at one point in time that permitted 73.5 square
24 feet, where 24 was required, and that was Appeal #16329 in
25 December of 1999. Bed Bath again, also in addition to height,
26 they got a variance for the size of the sign at 256 square feet,

1 where 82 was permitted, and that was under Appeal #18181,
2 February of 2007. Target, again, there were variances granted
3 on the east and west elevation with signage on each of those
4 elevations. Those were variances for size which exceeded the
5 vertical measurement. They permitted the size of the sign at 4
6 feet and 10 feet more, and that was Appeal #21102, October of
7 2021, and then the Paper Store, more recently, as I said, that
8 was Appeal #21383. They permitted 118 square foot size sign
9 where 106.5 square feet was permitted. So -- and that's not all
10 of the sign variances that were granted. Those were just some
11 that I know personally I handled.

12 If we look at the standards now of 267B for an area
13 variance, will any undesirable change be produced in the
14 character of the neighborhood or to nearby properties? We
15 maintain that there will be no undesirable change. The sign is
16 located within the shopping center in Business AA district, and
17 none of these signs face a neighboring residential area.

18 MEMBER GOODSSELL: And across the street are --

19 MS. PREVETE: All commercial --

20 MEMBER GOODSSELL: -- offices.

21 MS. PREVETE: Right, it's all offices.

22 The benefit sought by the applicant cannot be achieved by
23 some other feasible method other than an area variance since the
24 sign proposed to be located on the para wall above the
25 storefront, and if you look at the shopping, and I know you're
26 familiar, you'll see there's differences in height and facades,

1 and this is one of the higher facades.

2 The current sign, as you see, is located at the permitted
3 height of 18 feet, and it's right above the opening, so that's
4 the reason for going up one foot to center it better, and as
5 I've explained, the 7-foot vertical measurement, not the square
6 footage, is basically just to give a proportionate look because
7 the sign basically gets lost right now in a 63.5-foot linear
8 storefront.

9 The requested variances we do not believe are substantial.
10 Only two variances are requested for high and vertical
11 measurement. We don't believe it's substantial since, as the
12 Board knows, case law holds that multiple substantial variances
13 are more likely to impact adjoining properties. The percentage
14 of deviation is not in and of itself we normally indicate of
15 substantiality. We have to look at the totality of the relevant
16 facts and use common sense appraisal of the circumstances to
17 gauge the substantiality.

18 We don't believe this will have any adverse effect of the
19 neighborhood. There's no physical or environment effect from
20 locating the sign at a higher elevation and permitting a greater
21 vertical measurement since the only real possible effect would
22 be visual. We don't believe there's any detrimental visual
23 effect since the sign, again, replaces an existing sign that was
24 installed because the store was opening. Moreover, the sign
25 faces a commercial area and office buildings across Union
26 Turnpike.

1 We don't believe the difficulty is self-created either
2 because we believe that, for the most part, the requirement for
3 the variance is kind of driven by this higher facade at this
4 part of the shopping center.

5 Then, final, if you weigh the benefit to the applicant if
6 the variance is granted has against detriment to the health,
7 safety, and welfare of the neighborhood and community if the
8 variance is granted, we believe that the balance is in favor of
9 the applicant because there really is no tangible detriment to
10 the community for granting this variance for this particular
11 sign.

12 Unless the Board has any other questions, I do have the
13 sign installer here if the Board has questions specifically
14 about the sign, and also, as I said, the architect is here for
15 Gap Factory.

16 MEMBER GOODSELL: I really have no other questions. I
17 mean, I don't have a problem with the height. This shopping
18 center was redone I want to say the mid-80s, late-80s, where
19 this western façade, I'll call it, of different heights was
20 assigned to different stores. I remember when it was redone. I
21 just don't remember the year.

22 MS. PREVETE: I think Mr. Peck can speak to that.

23 MEMBER GOODSELL: So when it was redone, the facades lend
24 themselves to specific locations for signs.

25 MS. PREVETE: Yes, correct.

26 MEMBER GOODSELL: So I don't remember what was here before

1 that. As I say, I rather see one sign identifying the store
2 than multiple signs.

3 MEMBER HERNANDEZ: True.

4 MEMBER GOODSSELL: It is the Gap logo. I really don't have
5 a problem with the height or the size of the sign, oversized,
6 but -- I don't have a problem with it.

7 MEMBER DONATELLI: I would also note that it's on Union
8 Turnpike. That is a heavily traffic area, and it certainly --
9 it is not out of context with the other signs on the facades.

10 MS. PREVETE: Correct.

11 CHAIRMAN MAMMINA: Also, the distance from Union Turnpike
12 to --

13 MEMBER HERNANDEZ: A large parking lot.

14 CHAIRMAN MAMMINA: To where the front --

15 MS. PREVETE: Yes, it's setback.

16 CHAIRMAN MAMMINA: -- of the shopping center is
17 significant.

18 MS. PREVETE: Yes.

19 CHAIRMAN MAMMINA: It kind of spoke to the shopping center,
20 I guess, maybe done in the 60s.

21 MS. PREVETE: It's actually 1950.

22 CHAIRMAN MAMMINA: Okay, oh, my gosh, it's older than me.

23 MS. PREVETE: Me, too. Thank God.

24 CHAIRMAN MAMMINA: Right. I mean, it does a fantastic job
25 of resurrecting it to what it is now.

26 MS. PREVETE: Yes. Yeah, it can if -- because of that

1 length over 2,000 feet, and it's setback, the signs do get lost
2 as you travel past.

3 CHAIRMAN MAMMINA: One runs into the other.

4 MS. PREVETE: Exactly, and that's the reason why we want to
5 bring it up a little bit and just elongate it a little bit.

6 CHAIRMAN MAMMINA: Okay.

7 VICE CHAIRMAN FRANCIS: Is that a motion?

8 MEMBER GOODSSELL: Unless, the Board has any other
9 questions. I've been shopping in that center forever, Gap,
10 however, I do find it appealing. I don't have a problem with
11 the height. I don't have a problem with the size. I make a
12 motion that we grant the application.

13 CHAIRMAN MAMMINA: We have a motion by Member Goodsell. Do
14 we have a second?

15 MEMBER DONATELLI: Second.

16 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please
17 poll the Board.

18 SECRETARY WAGNER: Member Donatelli?

19 MEMBER DONATELLI: Aye.

20 SECRETARY WAGNER: Member Goodsell?

21 MEMBER GOODSSELL: Aye.

22 SECRETARY WAGNER: Member Hernandez?

23 MEMBER HERNANDEZ: Aye.

24 SECRETARY WAGNER: Vice Chairman Francis.

25 VICE CHAIRMAN FRANCIS: Aye.

26 SECRETARY WAGNER: Chairman Mammina?

1 CHAIRMAN MAMMINA: Aye. Application is granted.

2 MS. PREVETE: Thank you very much.

3

4 SECRETARY WAGNER: Next Appeal #21664, Stuart Pliskin; 938
5 Hillside Avenue, New Hyde Park; Section 8, Block 316, Lot 6; in
6 the Business A zoning district.

7 Conditional use 70-126.F to construct alterations to
8 convert a drive-thru retail use to a drive-thru retail food use
9 (a conditional use).

10 CHAIRMAN MAMMINA: You heard Appeal #21664, Stuart Pliskin.
11 Is there anyone in the room interested in the application?

12 MEMBER GOODSELL: Doesn't look like anyone is here.

13 VICE CHAIRMAN FRANCIS: Is there anyone doing this
14 application?

15 MS. TSOUKALAS CURTO: I'm here for CVS.

16 SECRETARY WAGNER: I know but where's --

17 CHAIRMAN MAMMINA: Where are they?

18 VICE CHAIRMAN FRANCIS: Second call.

19 SECRETARY WAGNER: We'll do a second call. No one is here.

20

21 SECRETARY WAGNER: Appeal #21676, CVS Albany, LLC; 3366
22 Hillside Avenue, New Hyde Park; Section 9, Block 514, Lot 52; in
23 the Business A zoning district.

24 Conditional use 70-126.F, and variances from
25 70-196.J(1)(a), 70-196.J(2)(a), and 70-196.J(2)(d) to construct
26 a new grocery store (a conditional use) with too many signs on a

1 wall, too many detached ground signs, and signage with not
2 enough clearance between the bottom of the sign and the ground.

3 CHAIRMAN MAMMINA: You heard Appeal #21676, CVS, LLC. Is
4 there anyone in the room who's here either to speak for support
5 or against?

6 MS. TSOUKALAS CURTO: Good evening, Chairman Mammina,
7 Members of the Board. For the record, Andrea Tsoukalas Curto
8 with the firm of Forchelli Deegan Terrana, 333 Earle Ovington
9 Boulevard, Uniondale, New York, on behalf of the applicant.

10 With me today is Tony Galinary from First Heart, the
11 applicant. Angelo Lango, the applicant's civil engineer, VHB,
12 and Aaron Machtay, the applicant's traffic consultant also with
13 VHB.

14 I had two exhibits. The first packet is mostly
15 photographs. It's applicant's Exhibit A and applicant's Exhibit
16 B, are renderings of the property.

17 SECRETARY WAGNER: Thank you.

18 MS. TSOUKALAS CURTO: As mentioned, this is an application
19 for a conditional use permit for a CVS pharmacy with a
20 drive-thru. Although the primary use is a pharmacy and wellness
21 and healthcare products, they also sell prepackaged food items
22 and other convenience items. A conditional use permit is needed
23 only for the retail food use component. The remaining retail
24 and pharmacy uses are permitted as-of-right.

25 As this Board knows conditional use permits are akin to
26 permitted as-of-right uses except for this Board must approve

1 the application. The applicant also seeks minor area variances
2 for signage. Specifically, the applicant requests a variance to
3 have two wall signs on the north elevation of the building
4 facing Hillside Avenue, when only one sign is permitted to a
5 wall, and the applicant also proposes two monument signs, when
6 only one is permitted, and one of the monument signs does not
7 have the required 3-foot clearance from the ground.

8 A little background regarding the premises. The premises
9 is located on the southwest corner of Hillside Avenue and
10 Herricks Road in New Hyde Park. It has a lot area of 1.69
11 acres, and is situated in the town's Business A zoning district.
12 It's currently improved with three buildings, which are
13 currently vacant. The prior uses were a Nathan's restaurant, a
14 farmer's market, and a small office building.

15 MEMBER GOODSSELL: A Sweet Pea Farmer's Market.

16 MS. TSOUKALAS CURTO: Yes.

17 MEMBER GOODSSELL: You have no idea how devastated I am when
18 they closed. I was hoping you were going to bring them back.

19 MS. TSOUKALAS CURTO: Sorry.

20 The applicant proposes to demolish three buildings at the
21 site and to construct a new 14,820-square-foot CVS with 59
22 parking stalls. The code only requires 47 parking spaces for
23 the proposed use, so there will be an excess of 12 parking
24 stalls at the site. The site will also comply in all other
25 respects for with the town's zoning regulations to include

1 coverage and setbacks.

2 With respect to some site details, the applicant proposes a
3 new access driveway on Hillside Avenue providing full access to
4 the site, so right in, right out. It also proposes to close the
5 existing three curb cuts on Hillside Avenue.

6 MEMBER GOODSELL: Right now, there are two curb cuts on
7 Hillside Avenue.

8 MS. TSOUKALAS CURTO: Three.

9 MEMBER GOODSELL: There are three.

10 MS. TSOUKALAS CURTO: There are three, yeah.

11 The applicant also proposes a new, full access driveway on
12 Herricks Road, and they will be closing existing two curb cuts
13 on Herricks Road.

14 MEMBER HERNANDEZ: You said three curb cuts on Hillside.

15 MEMBER GOODSELL: Hillside Avenue.

16 MEMBER HERNANDEZ: I only see one.

17 MS. TSOUKALAS CURTO: Oh, we're proposing one and we're
18 going to be closing the existing three.

19 MEMBER HERNANDEZ: Oh, I'm sorry.

20 MS. TSOUKALAS CURTO: That's okay.

21 MEMBER HERNANDEZ: I had it backwards.

22 MS. TSOUKALAS CURTO: No problem.

23 MEMBER DONATELLI: You're decreasing.

24 MS. TSOUKALAS CURTO: We're decreasing it, exactly.

25 So as I mentioned, this is going to have a drive-thru, so

1 we will have to go before the Town Board for a special use
2 permit as well as site plan approval.

3 CHAIRMAN MAMMINA: You can't have a store of this nature
4 nowadays without a drive-thru.

5 MS. TSOUKALAS CURTO: Exactly.

6 CHAIRMAN MAMMINA: It has to be.

7 MS. TSOUKALAS CURTO: That's exactly right, yeah, and we do
8 provide for queuing. As you can see there's --

9 CHAIRMAN MAMMINA: I see that, so somebody can pass around.

10 MS. TSOUKALAS CURTO: Right, there's adequate queuing for
11 vehicles.

12 CHAIRMAN MAMMINA: I don't want to get into it right now, I
13 can do that with Mr. Machtay, but when you come out of that
14 driveway that's straight ahead and it gives you a left and a
15 right, wouldn't that left be kind of treacherous on Herricks
16 Road?

17 MS. TSOUKALAS CURTO: On Herricks Road?

18 CHAIRMAN MAMMINA: Yeah. I don't want to jump around, you
19 know, but.

20 MEMBER GOODSSELL: It is. I've done it.

21 MS. TSOUKALAS CURTO: I mean, it is permitted, but I
22 understand where you're coming from. Yeah, I mean, it's --
23 yeah.

24 CHAIRMAN MAMMINA: I would assume it's a county road.

25 MS. TSOUKALAS CURTO: It's a county road.

1 CHAIRMAN MAMMINA: The county has an objection.

2 MS. TSOUKALAS CURTO: Right, so we did file a 2395F. We
3 had not gotten comments back, so. It does comply with county
4 regulations.

5 Regarding the conditional use permit and the retail grocery
6 use, we calculated that it will take up about nine percent of
7 the floor space. That's it.

8 CHAIRMAN MAMMINA: One thing that was odd to me is that I
9 would not consider this a grocery store.

10 MS. TSOUKALAS CURTO: Me neither, and I fought this, but
11 they insisted it was a conditional use permit.

12 CHAIRMAN MAMMINA: The amount of food they have in there is
13 almost none, and it's snacks.

14 MS. TSOUKALAS CURTO: Exactly, right.

15 CHAIRMAN MAMMINA: Chips and candy.

16 MS. TSOUKALAS CURTO: That's exactly right.

17 CHAIRMAN MAMMINA: And that's tiny.

18 MS. TSOUKALAS CURTO: Right.

19 MEMBER GOODSELL: Prepackaged food.

20 MS. TSOUKALAS CURTO: So it's 1,354 square feet of the
21 totally area, and again, only nine percent, but the building
22 department said that we still have to come back because it's
23 prepackage food. Any time you have prepackage food, you need a
24 conditional use permit. As mentioned, we're going to have
25 convenience items like milk, eggs, yogurt, healthy snacks, candy

1 bars, soft drinks, and water. There's no sink. There's no
2 microwave. There's no prep area.

3 VICE CHAIRMAN FRANCIS: And no beer and nothing like that.

4 MS. TSOUKALAS CURTO: No beer. No alcohol.

5 The proposed hours of operation for the pharmacy 7:00 A.M.
6 to 9:00 P.M. The retail 7:00 to 11:00 P.M., but again, these
7 are proposed, not set in stone.

8 They are proposing to close the smaller CVS on Hillside
9 Avenue, which is west of this location.

10 MEMBER GOODSSELL: That CVS had been -- - yes.

11 MS. TSOUKALAS CURTO: Yes. Not the one in Williston Park.
12 Not the one further east.

13 MEMBER GOODSSELL: Oh, the smaller one in New Hyde Park.

14 MS. TSOUKALAS CURTO: In New Hyde Park.

15 MEMBER GOODSSELL: Next to -- yes.

16 MS. TSOUKALAS CURTO: Yes. It used to be Heritage, the
17 Indian restaurant.

18 MEMBER GOODSSELL: Yes, okay.

19 MS. TSOUKALAS CURTO: Peak shifts for this type of use are
20 after work, 3:00 P.M. to 7:00 A.M., and after school. The
21 morning peak between 8:00 A.M. and 9:00 A.M.

22 I asked the client about deliveries. There's only one full
23 size truck that comes for deliveries one per week, and this is
24 scheduled during off peak business hours, and then there's
25 smaller deliveries that come periodically; one or two a day, and

1 those are for like the retail food item from different vendors
2 that come in with soda, snacks, and they come in with the hand
3 trucks. Much smaller trucks. Easier to maneuver in and out.

4 With respect to the signage. They're proposing two
5 monument signs because the property has frontage on two major
6 roads. The pylon sign on the northeast corner of the property
7 is on Hillside Avenue, so you're giving notice to drivers of the
8 access of Hillside Avenue and advertising the CVS Pharmacy and
9 the drive-thru. This sign does comply with all dimensional
10 requirements with respect to zoning. The smaller ground sign is
11 on the southeast corner at the secondary entrance, and so we
12 just need this for drivers coming north on Herricks Road. It
13 indicates where the entrance is on that road.

14 The smaller ground sign is the one that does not have that
15 3-foot clearance. It is overall a very small sign. It's only 6
16 feet by 6 feet, and it's only 1 foot by 2 inches deep, and it's
17 internally illuminated. It's more keen to like a directional
18 sign. It's there to indicate that there's another entrance to
19 this site from that Herricks Road if you're traveling north.

20 MEMBER DONATELLI: Is there a reason why that sign cannot
21 be made compliant? Can it be raised 3 feet? And I'll tell you
22 why I'm asking. Only because we always try to ask whether or
23 not something can be made compliant.

24 MS. TSOUKALAS CURTO: No, understood. I think they just --
25 this is their consistent sign package, and that's just -- this

1 sign matches the other sign. It's a small sign, but we can make
2 it higher. We can just -- take the exact sign and just make it
3 higher 3 feet.

4 CHAIRMAN MAMMINA: Okay, just -- and of course in deference
5 to my fellow board member, my understanding of the necessity for
6 that is that someone who's going out of a curb cut and making a
7 turn, by raising that sign up, if someone's walking down the
8 street, you would see their legs or somebody cycling.

9 VICE CHAIRMAN FRANCIS: Right.

10 CHAIRMAN MAMMINA: So I would just think that in this
11 instance where it's kind of isolated all by itself on the corner
12 and it's a compliant sign. If I'm --

13 MS. TSOUKALAS CURTO: It is a compliant sign, yes, in all
14 of the respects, and it's very small.

15 CHAIRMAN MAMMINA: Only because I looked at that saying,
16 okay, whoops, let's see if that's gonna -- if that's gonna need
17 the 3 feet, and we have had people raise it up.

18 MEMBER DONATELLI: Right.

19 CHAIRMAN MAMMINA: But that's my understanding. That's
20 what it's for. It's for landscapers. I asked that, I don't
21 know, 15, 20 years ago, why, so. It is compliant then, and I
22 don't think that would be a great hardship, you know, for them,
23 but normally, everybody trying to get their sign higher.

24 MEMBER HERNANDEZ: I'm trying to figure out where these
25 signs are. I'm having difficulty.

1 CHAIRMAN MAMMINA: If you look on --

2 MS. TSOUKALAS CURTO: So the pylon sign is here at this
3 corner; right here. The larger pylon sign, and the smaller sign
4 is here.

5 MEMBER HERNANDEZ: So you have a pylon sign?

6 MS. TSOUKALAS CURTO: Yes, the larger --

7 MEMBER HERNANDEZ: You don't have one of the lollipops?

8 MS. TSOUKALAS CURTO: The larger sign is here.

9 MEMBER HERNANDEZ: Where does the lollipop go?

10 MS. TSOUKALAS CURTO: The lollipop?

11 CHAIRMAN MAMMINA: On a single -- I guess those are all
12 pylons. You're just showing a very long elevation.

13 MS. TSOUKALAS CURTO: There's a long pylon sign on this
14 corner, and there's a small ground sign at this entrance.

15 MEMBER HERNANDEZ: Okay, so you do have one on the --

16 MS. TSOUKALAS CURTO: You have the sign -- if you have the
17 sign package, I can show you.

18 CHAIRMAN MAMMINA: Oh, okay. I get it. I was looking at
19 the incorrect sign.

20 MEMBER HERNANDEZ: Yeah, it's very confusing.

21 MS. TSOUKALAS CURTO: So this sign --

22 MEMBER HERNANDEZ: That's the pylon.

23 MS. TSOUKALAS CURTO: That's the pylon.

24 MEMBER HERNANDEZ: So that thing on the bottom, it's just
25 the foundation.

1 MS. TSOUKALAS CURTO: Yes, that's the pole.

2 MEMBER HERNANDEZ: It's not an elevated sign.

3 MS. TSOUKALAS CURTO: No.

4 MEMBER HERNANDEZ: It's on the ground.

5 MS. TSOUKALAS CURTO: Correct. This one #2 --

6 MEMBER HERNANDEZ: Right.

7 MS. TSOUKALAS CURTO: That's the monument sign, and this is
8 the -- that's not elevated the 3 feet, but my clients just
9 indicated that we can indicate if we need to. This could be an
10 amended sign package.

11 MEMBER DONATELLI: Right, so again, getting back to the
12 chairman's --

13 MEMBER HERNANDEZ: If that's in this corner here, nobody's
14 driving by that sign.

15 CHAIRMAN MAMMINA: No, that's a pylon.

16 MEMBER DONATELLI: No, that's not the sign.

17 MEMBER HERNANDEZ: Which is the monument sign?

18 MEMBER DONATELLI: That is compliant.

19 MS. TSOUKALAS CURTO: The monument is here.

20 MEMBER HERNANDEZ: Where does that go?

21 MS. TSOUKALAS CURTO: It goes right here at this entrance.

22 VICE CHAIRMAN FRANCIS: Yeah, that's not the corner sign.

23 CHAIRMAN MAMMINA: The lollipop sign --

24 MS. TSOUKALAS CURTO: The lollipop sign --

25 MEMBER HERNANDEZ: No, there is no lollipop.

1 CHAIRMAN MAMMINA: Well, there's one that's --

2 MS. TSOUKALAS CURTO: The pylon. There's a pylon.

3 VICE CHAIRMAN FRANCIS: Yeah.

4 MS. TSOUKALAS CURTO: Yes.

5 (WHEREUPON, a discuss was held against Board Members.)

6 VICE CHAIRMAN FRANCIS: Andrea, how long is the pole on the
7 pylon sign.

8 MS. TSOUKALAS CURTO: The pole is 15 -- well, it's 10 feet,
9 2 and a half inches.

10 MEMBER HERNANDEZ: So it is a lollipop.

11 VICE CHAIRMAN FRANCIS: It is a lollipop.

12 MS. TSOUKALAS CURTO: All right.

13 CHAIRMAN MAMMINA: They're referring to it as a lollipop
14 sign, you're saying okay --

15 MS. TSOUKALAS CURTO: Okay, I'm sorry. I called it a pylon
16 sign. It's a lollipop sign, yes.

17 MEMBER HERNANDEZ: I was saying all that on the ground.

18 MS. TSOUKALAS CURTO: Sorry.

19 VICE CHAIRMAN FRANCIS: Couldn't see what the height was.

20 MEMBER HERNANDEZ: So the pylon sits on the ground, right?
21 What you're calling a pylon sign.

22 MS. TSOUKALAS CURTO: I'm call that a monument sign.

23 MEMBER HERNANDEZ: You call that a monument.

24 MS. TSOUKALAS CURTO: A ground sign. A monument sign.

25 MEMBER HERNANDEZ: Fine. As long as we understand what

1 we're talking about.

2 MS. TSOUKALAS CURTO: Yes.

3 MEMBER HERNANDEZ: So where is that one going? The one on
4 the ground.

5 MS. TSOUKALAS CURTO: The one on the ground goes here,
6 secondary entrance.

7 CHAIRMAN MAMMINA: Right.

8 MEMBER HERNANDEZ: Okay, and that's where if someone --

9 CHAIRMAN MAMMINA: That's the one they'll raise up.

10 MEMBER HERNANDEZ: If someone will be coming out, and they
11 won't be able to see anybody walking across the sidewalk --

12 MS. TSOUKALAS CURTO: Correct.

13 MEMBER HERNANDEZ: -- because of the sign.

14 VICE CHAIRMAN FRANCIS: That's the one raised up.

15 CHAIRMAN MAMMINA: And that's the reason for the raising is
16 that.

17 MEMBER HERNANDEZ: Absolutely. Where are the other two
18 going?

19 MS. TSOUKALAS CURTO: So the lollipop sign is in this
20 corner.

21 MEMBER HERNANDEZ: The elevated sign.

22 MS. TSOUKALAS CURTO: Yes, and then the two wall signs are
23 at this elevation, which is the north elevation, which faces
24 Hillside Avenue. The larger sign is the CVS sign that says CVS
25 Pharmacy, and then the smaller sign is only 31 square feet, and

1 that says drive-thru.

2 CHAIRMAN MAMMINA: That's down at the end where the
3 drive-thru is.

4 MS. TSOUKALAS CURTO: Right.

5 CHAIRMAN MAMMINA: All the way down on the right-hand side.

6 MS. TSOUKALAS CURTO: That's the secondary sign that shows
7 there is a drive-thru at that area, so I think that's a
8 necessity. Supermarkets do that all the time. You have all the
9 different signage on the walls to indicate the uses.

10 VICE CHAIRMAN FRANCIS: That's why they're getting the
11 multiple signs on that side?

12 MEMBER DONATELLI: Yes, because there's a drive-thru.

13 MS. TSOUKALAS CURTO: You could appeal the determination,
14 but I think it's easier to get a variance.

15 MEMBER HERNANDEZ: Yeah, absolutely.

16 MEMBER DONATELLI: So speaking of the drive-thru. I
17 believe there is a bowling alley on --

18 MS. TSOUKALAS CURTO: Yes.

19 MEMBER DONATELLI: In that --

20 MS. TSOUKALAS CURTO: There is.

21 MEMBER DONATELLI: Where the drive-thru is proposed to be.

22 MS. TSOUKALAS CURTO: So the bowling alley used to lease
23 this area right here, and that lease has expired, so now, they
24 have to eliminate this encroachment. There's an encroachment
25 right here. It's like an overhang.

1 MEMBER GOODSSELL: A row of concrete parking barricades. I
2 see that on the survey, and I looked at it the other day.

3 MS. TSOUKALAS CURTO: Right.

4 MEMBER GOODSSELL: Just out of curiosity. They had lease
5 for that space?

6 MS. TSOUKALAS CURTO: They had a lease for the space right
7 in front, just north of their property.

8 MEMBER GOODSSELL: Correct.

9 MS. TSOUKALAS CURTO: Yes.

10 MEMBER GOODSSELL: All right. I lived 42 years, maybe,
11 three blocks away from here. My kids bowled at this alley. So
12 again, I'm the New Hyde Park person.

13 MS. TSOUKALAS CURTO: Right.

14 MEMBER GOODSSELL: I had no idea. I remember when the Sweet
15 Pea opened how busy it was, and how people were shifting back
16 and forth, and they would try to protect their spaces, and the
17 bowling alley was protecting theirs, but the bowling alley's
18 lease for that space is expiring?

19 MS. TSOUKALAS CURTO: No, it's expired.

20 MEMBER GOODSSELL: It expired.

21 MS. TSOUKALAS CURTO: It expired, and they don't have an
22 access easement, so they have to now appear before the Town
23 Board, and probably before this Board, I believe because they
24 have to relocate their front entrance.

25 MEMBER GOODSSELL: Yes.

1 MS. TSOUKALAS CURTO: And they have to show where they're
2 going to put their additional parking just south of their
3 property and west.

4 MEMBER GOODSSELL: In that dark corner in the back.

5 MS. TSOUKALAS CURTO: Yes, there's a corner in the back.
6 There's also parking just south.

7 MEMBER GOODSSELL: Yeah.

8 MS. TSOUKALAS CURTO: And they have a new site plan that
9 has come before this Board and before the Town Board.

10 MEMBER GOODSSELL: I'm not trying to protect them. I'm just
11 curious because of perception of the neighborhood has been they
12 have a parking lot because the barricades are there, and Sweat
13 Pea parked on their side, and they can park on their side, and
14 then the bowling alley parked on their side.

15 MS. TSOUKALAS CURTO: Yeah.

16 MEMBER GOODSSELL: Interesting.

17 MS. TSOUKALAS CURTO: Yeah.

18 MEMBER GOODSSELL: I did not know that.

19 MEMBER DONATELLI: So getting back to my earlier point
20 about the drive-thru. Will there be a microphone? Will there
21 be amplified voices? Will those voices be heard by any
22 potential residents who may be somewhere in the area?

23 MS. TSOUKALAS CURTO: To be honest, I don't know the
24 particulars about the drive-thru because we're here on a
25 conditional use permit for the food use, but I believe it's just

1 window where you're going up to get your pharmacy drugs.

2 MEMBER DONATELLI: So it's like somebody would pre-place an
3 order in advance and then just comes to the drive-thru and pick
4 it up.

5 MS. TSOUKALAS CURTO: That's typically how it works, yeah.
6 It's not like ordering food where you have two different areas
7 where you first speak into like the mic and then go in the
8 front.

9 MEMBER DONATELLI: It's not like a McDonald's.

10 MS. TSOUKALAS CURTO: It's not a McDonald's drive-thru.

11 MEMBER GOODSSELL: Starbucks.

12 MS. TSOUKALAS CURTO: Starbucks, McDonald's, yeah. You
13 just go up, state your name, date of birth, and get your
14 prescription.

15 MEMBER GOODSSELL: I just have to comment. I think it's a
16 very exciting development for a piece of property that has laid
17 vacant and has been underutilized.

18 MS. TSOUKALAS CURTO: For a very long time.

19 MEMBER GOODSSELL: With graffiti on it.

20 MS. TSOUKALAS CURTO: Yes.

21 MEMBER GOODSSELL: I have watched it for years, and it's
22 quite a change.

23 MS. TSOUKALAS CURTO: Yeah.

24 MEMBER GOODSSELL: it is -- well, it's about time something
25 was done with that property.

1 MS. TSOUKALAS CURTO: Yeah.

2 MEMBER GOODSELL: The Herricks office building, that's
3 empty right now?

4 MS. TSOUKALAS CURTO: It is.

5 MEMBER GOODSELL: Because I know a couple of people who are
6 attorneys who had office in there. So they're all empty, and
7 it's -- it's --

8 AUDIENCE MEMBER: Yes, all empty.

9 MS. TSOUKALAS CURTO: Change is good.

10 MEMBER GOODSELL: Can be very good, especially, since
11 there's a brand new Sunoco station right across the street.
12 Although the grocery store -- this corner is jinxed. The
13 grocery store next to Sunoco is closed and the Duane Reade on
14 the catty-corner is now closed.

15 MS. TSOUKALAS CURTO: Is that a Duane Reade or a Rite Aid?

16 MEMBER GOODSELL: Might of been a Rite Aid.

17 MEMBER HERNANDEZ: It was the Duane Reade that was bought
18 out by Walgreens, Rite Aid, or whoever it was.

19 MS. TSOUKALAS CURTO: Right. I have photos of the
20 surrounding neighborhood and I was going to mention that the
21 pharmacy did close across the street, so again, there's a need
22 for a pharmacy here.

23 MEMBER HERNANDEZ: Absolutely.

24 MEMBER GOODSELL: Yes, except that CVS seems to adopt the
25 Starbucks mode of a business where we really want on every

1 corner except the two in the same neighborhood, so I was gonna
2 ask about the Hillside Avenue one, but that is closing.

3 MS. TSOUKALAS CURTO: Yeah, they are closing that one.
4 It's a much smaller site.

5 MEMBER GOODSSELL: It is.

6 MS. TSOUKALAS CURTO: There isn't a lot of parking easily,
7 you know, accessed. This is going to be a much nicer site.
8 Much bigger building.

9 VICE CHAIRMAN FRANCIS: Andrea, one other question. The
10 heart, is that now the corporate logo?

11 MS. TSOUKALAS CURTO: Yes.

12 VICE CHAIRMAN FRANCIS: Okay.

13 MEMBER GOODSSELL: But it's not --

14 VICE CHAIRMAN FRANCIS: It's inside.

15 MEMBER GOODSSELL: It's not technically a sign.

16 MS. TSOUKALAS CURTO: We went through this. We confirmed
17 with the building department that it's not a sign 'cause it's
18 not affixed to the window, but you see it from --

19 MEMBER HERNANDEZ: Through the window.

20 MS. TSOUKALAS CURTO: You can see it through the window.
21 'Cause I asked the question. I'm like we may need a variance,
22 and they said no.

23 MEMBER GOODSSELL: We could accomplish the same thing by
24 taking pieces of loose leave or construction paper and Scotch
25 taping them to the window. I thought Target was gonna do that.

1 MS. TSOUKALAS CURTO: I get it.

2 MEMBER GOODSSELL: But seriously, we do recognize that it's
3 a corporate logo, and we do recognize the sign. I have to look
4 at the signs in more detail because there's a lot of signs. I
5 was really looking at the property itself, and the drive-thru,
6 which comes within 5 feet of the front of the bowling alley. I
7 just assume that CVS bought a piece of land.

8 MS. TSOUKALAS CURTO: They're going to relocate the main
9 entrance, so that's not going to be an issue. They have to
10 relocate it.

11 SECRETARY WAGNER: No, the front is right there on the
12 property line. They have to relocate it. There's no way they
13 can --

14 MS. TSOUKALAS CURTO: There's no way they can access it.

15 MEMBER HERNANDEZ: Okay, so then you said the low sign on
16 the ground is gonna get raised.

17 MS. TSOUKALAS CURTO: It will get raised.

18 MEMBER HERNANDEZ: Three feet so we can see underneath.

19 MS. TSOUKALAS CURTO: That's fine. So I will just submit
20 an amended plan?

21 MEMBER HERNANDEZ: Yeah.

22 SECRETARY WAGNER: What are the changes?

23 VICE CHAIRMAN FRANCIS: They're raising the ground sign.

24 MEMBER HERNANDEZ: The pedestal. The sign on the ground.
25 The monument sign.

1 VICE CHAIRMAN FRANCIS: The monument sign.

2 MEMBER HERNANDEZ: Will be raised so that you can see
3 underneath.

4 MS. TSOUKALAS CURTO: Right.

5 MEMBER HERNANDEZ: We don't want somebody hiding behind it
6 and get hit by a car.

7 MS. TSOUKALAS CURTO: Right.

8 VICE CHAIRMAN FRANCIS: Can we move this subject to her
9 doing this?

10 SECRETARY WAGNER: Can we do it subject to submitting the
11 sign?

12 MS. TSOUKALAS CURTO: Yeah, I mean, we're just going to
13 raise it 3 feet. It's the same exact sign. We're going to
14 raise it.

15 SECRETARY WAGNER: Did they get a -- were they cited for
16 having it too close to the ground?

17 MS. TSOUKALAS CURTO: Yes. So you needed a 3-foot
18 clearance and we don't have a 3-foot clearance.

19 SECRETARY WAGNER: So you're withdrawing?

20 MS. TSOUKALAS CURTO: We'll make it compliant.

21 SECRETARY WAGNER: So you're withdrawing that variance?

22 MS. TSOUKALAS CURTO: I'm withdrawing that variance, but we
23 still have two monument signs, so we still need the variance to
24 allow for the two; the one lollipop and the one ground.

25 SECRETARY WAGNER: But it's just the variance for not

1 having the space under it.

2 MS. TSOUKALAS CURTO: That one, we would withdraw.

3 DEPUTY TOWN ATTORNEY ALGIOS: That's the easiest.

4 SECRETARY WAGNER: So then I think if she's doing that then
5 we -- they would just have to submit a compliant sign to the
6 building department.

7 MS. TSOUKALAS CURTO: Correct.

8 CHAIRMAN MAMMINA: Can we move it today?

9 VICE CHAIRMAN FRANCIS: Yeah, we can move it today. Who
10 wants to move it?

11 MEMBER GOODSELL: I'm delighted that this property is being
12 developed. As I said, I wish it was a Starbucks or Sweat Pea
13 Pharmacy; so noted. However, I think that this is something
14 that the neighborhood can use. It's certainly gonna be an
15 improvement, and I understand why there's an application for so
16 many signs --

17 SECRETARY WAGNER: We have to do restaurant conditions.

18 MEMBER GOODSELL: -- you're looking for visibility.

19 MS. TSOUKALAS CURTO: Absolutely.

20 MEMBER GOODSELL: The pylon sign -- theoretically, if
21 you're driving looking for CVS, you can pass it, and go, oh,
22 there it is, and hang a right turn and go back.

23 MS. TSOUKALAS CURTO: Exactly.

24 MEMBER GOODSELL: Like the other stores have done that. So
25 I will make a motion, smiling as I do, that we approve this use

1 application.

2 DEPUTY TOWN ATTORNEY ALGIOS: Do you think we need to do
3 restaurant conditions on this?

4 VICE CHAIRMAN FRANCIS: No, they're not serving food.

5 CHAIRMAN MAMMINA: No, they're not preparing food. I even
6 questioned the supermarket part.

7 DEPUTY TOWN ATTORNEY ALGIOS: We can go without it.

8 MEMBER GOODSSELL: The food is primarily prepackage food.

9 MS. TSOUKALAS CURTO: All prepackaged.

10 MEMBER GOODSSELL: You're not serving anything. There's no
11 table and chairs. There's no food service of any kind.

12 MS. TSOUKALAS CURTO: Correct.

13 MEMBER DONATELLI: Just to clarify the motion. You're
14 withdrawing the variance for the monument sign because it's now
15 gonna be made compliant.

16 DEPUTY TOWN ATTORNEY ALGIOS: Well, no.

17 SECRETARY WAGNER: No.

18 DEPUTY TOWN ATTORNEY ALGIOS: Not entirely. So the
19 applicant has withdrawn the variance for no clearance.

20 VICE CHAIRMAN FRANCIS: For no clearance, right.

21 DEPUTY TOWN ATTORNEY ALGIOS: She needs the variance also
22 for two monument signs.

23 SECRETARY WAGNER: Withdrawing 719.96J2D.

24 MEMBER DONATELLI: Which makes sense okay.

25 MEMBER GOODSSELL: My motion is then as modified. Are we

1 continuing?

2 VICE CHAIRMAN FRANCIS: No, they're going --

3 CHAIRMAN MAMMINA: They walk out with their approval.

4 MEMBER GOODSSELL: As modified.

5 SECRETARY WAGNER: So do two of the monument signs get?

6 MEMBER HERNANDEZ: Only one needs to be raised.

7 VICE CHAIRMAN FRANCIS: Right.

8 MS. TSOUKALAS CURTO: You're only permitted one monument
9 sign per property, so we're proposing two, so I need a variance
10 for that.

11 VICE CHAIRMAN FRANCIS: Right.

12 SECRETARY WAGNER: What's that?

13 MS. TSOUKALAS CURTO: You're only permitted one per
14 property. One monument sign, and we have two, so we still need
15 that.

16 SECRETARY WAGNER: But their showing two signs on -- on the
17 disapproval they're showing -- they're citing two sign permit
18 numbers.

19 AUDIENCE MEMBER: You're only allowed one.

20 MS. TSOUKALAS CURTO: Yeah, 'cause you're allowed one.

21 SECRETARY WAGNER: I know, but why are they --

22 MS. TSOUKALAS CURTO: They're showing the two that don't
23 comply. One lollipop and one monument.

24 MEMBER HERNANDEZ: And also new wall signs.

25 SECRETARY WAGNER: But what I'm saying is, you only need

1 the variance for not having space under the one sign, correct?

2 MS. TSOUKALAS CURTO: Yes, the smaller one. The one that's
3 6 by 6.

4 SECRETARY WAGNER: I don't know why they're citing two.
5 Under that section, they're citing two signs. I don't know why.
6 Even though they go on to say that the proposed monument sign,
7 not plural.

8 DEPUTY TOWN ATTORNEY ALGIOS: Why don't we just specify
9 that she's withdrawing the variance as it relates to the
10 monument sign on Herricks Road.

11 MS. TSOUKALAS CURTO: On Herricks Road. So we still need a
12 variance for the two wall signs, and we still need a variance
13 for two monument signs, and the conditional use permit.

14 MEMBER GOODSSELL: I make the motion.

15 VICE CHAIRMAN FRANCIS: I second.

16 MEMBER DONATELLI: Okay.

17 CHAIRMAN MAMMINA: We have a motion by Member Goodsell, and
18 second by the vice chairman. Please poll the Board.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Goodsell?

22 MEMBER GOODSSELL: Aye.

23 SECRETARY WAGNER: Member Donatelli?

24 MEMBER DONATELLI: Aye.

25 SECRETARY WAGNER: Vice Chairman Francis?

1 VICE CHAIRMAN FRANCIS: Aye.

2 SECRETARY WAGNER: Chairman Mammina?

3 CHAIRMAN MAMMINA: Aye.

4 MS. TSOUKALAS CURTO: Thank you very much.

5

6 MEMBER DONATELLI: I make a motion that we move SEQRA.

7 VICE CHAIRMAN FRANCIS: I'll second.

8 SECRETARY WAGNER: All in favor?

9 Board MEMBERS: Aye.

10

11 VICE CHAIRMAN FRANCIS: Second call only thing.

12 SECRETARY WAGNER: So Appeal #21664 is adjourned without a
13 date.

14 But for -- I think it's Snapdragon. The one where they're
15 piercing the sky exposure plane. They submitted new plans. It
16 was Amelia Susa.

17 VICE CHAIRMAN FRANCIS: Yeah.

18 SECRETARY WAGNER: And I said, you know, are you guys happy
19 with this change? Because he doesn't want to submit it to the
20 building department until the Board is happy with the change.
21 He doesn't feel there's a need to go through all that if the
22 Board is still gonna make further changes, so the question is,
23 how did you feel about the revisions? They still need the
24 variance on, I think, on both sides, but one side is almost
25 gone. The other side still needs the sky exposure variance, and
26 then I think they needed other variances as well. But the

1 question is, whether the Board was happy with changes or not.

2 So has anybody looked at that?

3 CHAIRMAN MAMMINA: I remember it but.

4 MEMBER GOODSSELL: It's 42 Snapdragon Lane, application
5 #21613.

6 MEMBER HERNANDEZ: What's the number?

7 MEMBER GOODSSELL: #21613. We heard on October 23rd.

8 MEMBER DONATELLI: Do we have modified plans?

9 SECRETARY WAGNER: We do. They should be in the file.

10 MEMBER GOODSSELL: I haven't looked at them, but I will look
11 at them.

12 SECRETARY WAGNER: I mean, we don't have to discuss it now.
13 You just have to let us know whether you to want see revised
14 plans or whether you're not happy with the changes.

15 MEMBER DONATELLI: All right, let's go back and see.
16 What's the number, I'm sorry.

17 MEMBER GOODSSELL: #21613.

18 (WHEREUPON, there was a discuss between Board Members.)

19 SECRETARY WAGNER: So I will email it.

20 MEMBER HERNANDEZ: I want to see what it looks like. I
21 can't remember this house.

22 MEMBER DONATELLI: Here, Jay.

23 SECRETARY WAGNER: Yeah, so that's the new plans. That's
24 the new plans.

25 VICE CHAIRMAN FRANCIS: So he got rid of the one on the

1 right but not on left.

2 SECRETARY WAGNER: Sort of. It still touches it. We had
3 asked them to submit the plans to the building department, and
4 he said --

5 VICE CHAIRMAN FRANCIS: He didn't want to do it until --

6 SECRETARY WAGNER: He doesn't want to do that until we
7 decide that --

8 VICE CHAIRMAN FRANCIS: So on the other side is there a
9 house on the side? I don't recall.

10 SECRETARY WAGNER: There's houses. Chair? I saw this
11 house.

12 MEMBER HERNANDEZ: Give me the address of the house?

13 SECRETARY WAGNER: What is it? 42 Snapdragon in Roslyn
14 Heights.

15 (WHEREUPON, there was discuss amongst Board Members.)

16 MEMBER GOODSSELL: You would remember this because right
17 next to 46 Snapdragon there's a brand new home under
18 construction, and when I first pulled up, I thought that was the
19 -- that's the one asking for a variance and it's not. It's
20 right next door to it.

21 MEMBER HERNANDEZ: It looks to be a very modern house.

22 CHAIRMAN MAMMINA: Yes, extremely.

23 VICE CHAIRMAN FRANCIS: Yeah, I remember this house. The
24 other house is not going to see it. There's a lot of vegetation
25 between that house.

1 MEMBER HERNANDEZ: This one is pretty much here.

2 VICE CHAIRMAN FRANCIS: Sky plane is not going to affect
3 the neighbors.

4 MEMBER DONATELLI: How about the setbacks and everything
5 else? Is that addressed or is that still the same?

6 SECRETARY WAGNER: I think they're the same. There might
7 have been something with the pool.

8 CHAIRMAN MAMMINA: Without hunting. I hate to hold anybody
9 up, but we meet again in two weeks. They're not starting
10 construction yet.

11 SECRETARY WAGNER: No. But the thing is that --

12 CHAIRMAN MAMMINA: Send it to everybody again.

13 SECRETARY WAGNER: Well, it's on the Teams.

14 MEMBER HERNANDEZ: It's on Teams, so we'll look it up.

15 VICE CHAIRMAN FRANCIS: Can you email it to me? I can't
16 get into Teams.

17 SECRETARY WAGNER: The question is really with whether you
18 want him to make further changes, and if so, what those change
19 will be.

20 VICE CHAIRMAN FRANCIS: Not as to sky plane, as far as I'm
21 concerned.

22 CHAIRMAN MAMMINA: Or anything else.

23 VICE CHAIRMAN FRANCIS: Yeah, but I don't know if there's
24 other things that are --

25 CHAIRMAN MAMMINA: That's what I'm saying. If we get it

1 again, then we can look at it.

2 MEMBER DONATELLI: Because there's too much going on here
3 in this application.

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

5 DEPUTY TOWN ATTORNEY ALGIOS: Let's discuss it at the next
6 meeting.

7 SECRETARY WAGNER: So Debra said we'll discuss it at the
8 next meeting.

9 (WHEREUPON, the Proceedings concluded at 5:08 P.M.)
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C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, 2025.



MARIESEL BERRIOS