

1 Town of North Hempstead

2 Board of Zoning Appeals

3 PUBLIC HEARINGS

4
5 Wednesday, May 7, 2025

6 10:00 a.m.

7
8
9 BOARD MEMBERS PRESENT:

10 David Mammina, Chairman

11 Leslie Francis, Vice Chairman

12 Patricia Goodsell, Member

13 Daniel Donatelli, Member

14 Jay Hernandez, Member

15
16 ALSO PRESENT:

17 Deborah Algios, Deputy Town Attorney

18 Virginia Wagner, Secretary

19 Michael Tumbarello, Planner

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1 CHAIRMAN MAMMINA: If everyone will please rise and join Vice
2 Chairman Francis in the Pledge of Allegiance.

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

4 CHAIRMAN MAMMINA: Good morning, everyone. I apologize.
5 Again, everybody's time is valuable, and we recognize that.

6 What I like to do is go through the way that we conduct business
7 at a zoning board or this zoning board. In case you've never been
8 to a zoning board before, or maybe in a different municipality, we
9 might do things a little bit differently here.

10 What we will do is when each case is being called on the calendar
11 or being called by our secretary of the zoning board, Ms. Wagner,
12 and at that point, I will then repeat the number of the case. While
13 we're doing that, we'll ask whoever's case it is, come on up, and
14 get up at the microphone, and as everyone is then at the microphone,
15 we'll ask for your name and address. You'll give it to our
16 stenographer, and if two people are gonna speak, that's okay. Just
17 both give your name and address.

18 If two people are speaking, we request ask that you not speak
19 over one another because again, we have a transcript being taken.
20 This is a quasi-judicial proceeding. It's important that we did get
21 that done accurately. Then at that point, the microphone will belong
22 to the applicant and -- excuse me, I left one part out. I will also
23 ask if there's anyone else in the room who wishes to speak about the
24 application either for it or against it, but that does not mean the
25 applicant; they don't have to put their hand up to identify
26 themselves. When we're done with that, then -- name and address had

1 been given. We'll then -- the microphone then belongs to the
2 applicant, and then applicant will put it's -- their case onto the
3 record. The Board will ask whatever questions it feels that we feel
4 we need to ask regarding the application, and at that point, we would
5 ask that the applicant has a seat.

6 If there is someone else who wishes to speak, I will identify
7 them and they would come forward. Name and address. They would have
8 an opportunity to put onto the record whatever they would wish, and
9 if anyone else wishes -- any third party wishes to speak either for
10 or against an application, we limit that to three minutes. We
11 don't -- as I like to say, we won't chop your head off at three minutes,
12 but we'd like to keep the hearing moving. Once that -- that we have
13 that, and the Board has asked its questions, and the case has been
14 made, the Board will then do one of four things. We will either
15 approve the application or disprove the application. We may reserve
16 the application. If we reserve the application that means that there
17 is no other information that the Board needs and the case has been
18 put on the record, and, you know, we're satisfied. If we continue
19 the application, that might be that the Board is saying, well, can
20 you show us a closing document from your mortgage? Can you show us
21 a violation, you know, or whatever? You might not have that with
22 you. So if we continue, that just means that we're gonna give you
23 the opportunity to bring something back, and then there will be no
24 action on an application like that for sure than today, but it gives
25 everybody a fair level ground, and helps the Board understand and
26 do the right thing. As I said this is a quasi-judicial hearing, and

1 we like to run it in that same way.

2 We are live stream. So no one will -- there'll be no second
3 hearings. We never have second hearings in the town. But we
4 will -- we always deliberate in public, which means, if we were to
5 deliberate this afternoon or a week from now or whatever, you don't
6 have to come back. You can watch it on live stream because when we
7 deliberate, there is no input or second goes at the podium are
8 permitted by the applicants, and you will see that this basically
9 is a normal proceeding for all municipalities.

10 So let's see. With all of that said, did I miss anything? I
11 think I'm okay.

12 VICE CHAIRMAN FRANCIS: Three-minute time?

13 CHAIRMAN MAMMINA: Yes, I said the three-minute time. All
14 right, so, then Ms. Wagner, do you have we adjournments today?

15 SECRETARY WAGNER: Yes, Chairman. We have an adjournment.
16 Appeal #21698, Joao Sousa; 78 Woodhollow Road, Albertson; Section
17 7, Block 200, Lot 20; Zoned Residence C.

18 Variance from 70-51.A to construct an addition with not enough
19 total (aggregate) side yards. That's adjourned to May 21.

20 CHAIRMAN MAMMINA: So that case will not be heard today. If
21 you're here for that case, then it will happen on May 21st.

22 With that said, can you please call the first case?

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1 SECRETARY WAGNER: First Appeal #21697, Carol Chang; 255-20
2 Walden Place, Great Neck; Section 2, Block 286, Lot 274; Zoned:
3 Residence C.

4 Variance from 70-51(A) to construct a two-story addition too
5 close to a side property line.

6 CHAIRMAN MAMMINA: Is there anyone in the room who's interested
7 in the application other than the applicant? Seeing no one, please
8 give your name and address.

9 MR. KIM: My name is James Kim. I'm here with my wife Carol --

10 SECRETARY WAGNER: Back up a little bit from the microphone.

11 MR. KIM: Oh, I'm sorry.

12 CHAIRMAN MAMMINA: Let me just say one other thing.

13 MR. KIM: Sure.

14 CHAIRMAN MAMMINA: We will do our best to help you. We're not
15 here to be obstructionist for you, so to whatever extent, we would
16 procedurally -- we don't want you to get nervous.

17 MR. KIM: Okay, thank you. I'm at 255-20 Walden Place, Great
18 Neck, New York 11021. Actually, I think it's 11020.

19 Good morning, Chairman Mammina, Vice Chairman Francis, Members
20 of the Board. As I said, I'm James. I'm here with my wife Carol.
21 We are new owners of this property at 255-20 Walden. We purchased
22 the property back in June of last year of 2024.

23 We are seeking specifically a variance from the zoning code
24 70-51.A, side yard, so that we can keep the exterior of the side of
25 the house straight where we are planning an addition to follow the
26 line of the existing wall, if that makes any sense. The specific

1 zoning requirement states that there should be no side yard less than
2 five feet in width.

3 The house was originally built as many houses in that
4 neighborhood back in 1926. It has a nonconforming -- currently a
5 nonconforming setback of 4.1 feet. So adhering to the five-foot
6 requirement now would result in a jog in the wall where the addition
7 is planned, and we're hoping to keep the existing side yard setback
8 consistent for the entire length of the house.

9 CHAIRMAN MAMMINA: What year was the house constructed?

10 MR. KIM: 1926.

11 CHAIRMAN MAMMINA: Twenty-six?

12 MR. KIM: Yes.

13 MEMBER GOODSELL: It's interesting to me that the house that
14 you have has a Queens address but it's in Nassau County.

15 MR. KIM: Yeah, it's confuse -- if you go to Google Maps, it
16 actually says the ZIP code is 21 rather than 20. It's a little
17 confusing, but.

18 MEMBER GOODSELL: There was a section of Nassau which was
19 originally in Queens. I think you were one of them.

20 MR. KIM: Yeah.

21 MEMBER GOODSELL: They are what I would describe as railroad
22 houses.

23 MR. KIM: Yes.

24 MEMBER GOODSELL: They are narrow and --

25 MR. KIM: Very narrow, yes.

26 MEMBER GOODSELL: And we have the application that you submit

1 with the plans, but it shows the dimensions. What are you actually
2 planning to do with the addition?

3 MR. KIM: So I'm not sure if you have the images that we sent
4 on the plans. Image #2, shows the plan with the five-foot setback,
5 that rear addition. So that's what was approved. It has a dining
6 room and a kitchen in the addition. Image #3, would show the addition
7 with the requested 4.1 setback.

8 MEMBER GOODSELL: Yes, I see that.

9 MR. KIM: It is specifically impacting the dining room area.

10 MEMBER GOODSELL: There's not much you could do to pick up the
11 house and move it a few inches.

12 MR. KIM: We looked into that. It's a little expensive.

13 MEMBER GOODSELL: Not without a huge, huge cost. For the
14 record, you could address the Five Factors when you did in your
15 application, and if don't have a sheet in front of you with the Five
16 Factors, we will tell you what they are.

17 MR. KIM: No, I do have it in front of me.

18 CHAIRMAN MAMMINA: Before we do that.

19 MR. KIM: Sure.

20 CHAIRMAN MAMMINA: May I just ask a question?

21 MR. KIM: Sure.

22 CHAIRMAN MAMMINA: In order to make the case complete. The
23 only variance that is required a side yard setback?

24 MR. KIM: Yes.

25 CHAIRMAN MAMMINA: You met the maximum height, correct?

26 MR. KIM: Yes.

1 CHAIRMAN MAMMINA: And you also -- the sky plane is also in
2 accordance with the --

3 MR. KIM: Yes.

4 CHAIRMAN MAMMINA: Good. Just for the record.

5 MR. KIM: Yeah.

6 CHAIRMAN MAMMINA: All right, so if you'd like to, please,
7 address the Five Factors.

8 MR. KIM: So the first factor. Whether an undesirable change
9 will be produced in the character of the neighborhood or a detriment
10 to nearby properties by granting the variance? The requested
11 variance would be maintaining the existing setback for the majority
12 of the house. We believe it will not cause an undesirable change
13 or harm to the neighborhood.

14 The second -- do you want to address it or should I just move
15 on?

16 CHAIRMAN MAMMINA: Move on.

17 MR. KIM: Second being, could the benefit sought by the
18 applicant be achieved by some method feasible for the applicant to
19 pursue other than a variance? So this is our first house for our
20 family. We're a family of five. We have three kids in Great Neck
21 South and high and South middle. We used to live in apartments.
22 It's kind of a big deal for us. We have history in Great Neck. My
23 brother's been living here for 15 years, just around the corner. We
24 are blessed with a large family. When we all get together, it's 13
25 people, and so we're looking for -- we're looking forward to space
26 that could be functionally hosting our family. In addition to

1 that --

2 CHAIRMAN MAMMINA: Let's go to Factor Two. Just run down the
3 Five Factors.

4 MR. KIM: Okay. Could it be sought by another method? We
5 don't believe it can be because of the way the dining room and the
6 kitchen are laid out. Can we live with it? Absolutely, and this
7 is a request for convenience and super functionality. What I wanted
8 to add was that I do work with the youth in the neighborhood. I work
9 for a local church and we host youth. Instead of having a dining
10 room that's slightly larger to the left circulation and ease of flow
11 would be greatly helpful for use, and with what we're hoping to do
12 with the dining room.

13 The third factor is, is the requested variance substantial?
14 The variance that we're requesting at 6.39 square feet. Less than
15 6.5 square feet. Beyond the five-foot setback line, which we
16 considered to not be substantial.

17 The fourth factor, will the proposed variance have an adverse
18 effect or impact on the physical or environmental conditions in the
19 neighborhood? We don't believe a variance would have an adverse
20 impact on the physical and environmental conditions because a
21 variance would allow the addition to have a consistency with the
22 existing side yard condition, which would allow for what we believe
23 a smoother, more cohesive exterior to the home, which we think will
24 improve its appearance. Additionally, that side of the house faces
25 the driveway of our neighbor, and so we don't anticipate adverse
26 effects on their use.

1 CHAIRMAN MAMMINA: Would it be your opinion that this is not
2 a typical condition on a block where you live?

3 MR. KIM: No. Our next-door neighbor to the other side
4 actually has a similar addition already.

5 CHAIRMAN MAMMINA: Looks like the majority of them do.

6 MR. KIM: They do, yes. The fifth factor, is the alleged
7 difficulty self-created? Yes, the difficulty is self-created.
8 That comes from our desire to have a functional dining room that will
9 allow for larger groups, our family, and our youth that we work with.

10 CHAIRMAN MAMMINA: For the record, would you agree that the
11 required side yard setback is five feet?

12 MR. KIM: Yes.

13 CHAIRMAN MAMMINA: And you're 4.1 --

14 MR. KIM: Yes.

15 CHAIRMAN MAMMINA: -- in there, and that is the character of
16 the neighborhood.

17 MR. KIM: Yes.

18 CHAIRMAN MAMMINA: And if you had set this one piece over it
19 would certainly look odd --

20 MR. KIM: Yes.

21 CHAIRMAN MAMMINA: -- riding down the street. Aside from -- by
22 compromising your ability to use the property.

23 MR. KIM: Yes.

24 MEMBER GOODSSELL: There's only one other thing that I want to
25 raise for the record. You are aware that one of your neighbor's did
26 submit a letter to the Board.

1 MR. KIM: Yes.

2 MEMBER GOODSSELL: Some objections that we find in almost all
3 letters. That it's noisy, and there are nails. These happen with
4 construction sites. We do understand that. There's only one issue
5 I wanted to ask you about, and that was the planting of trees.

6 MR. KIM: Yes.

7 MEMBER GOODSSELL: Did you have to take some trees down?

8 MR. KIM: We did erect the fencing. To protect the fencing.
9 So I don't know if you read the response I sent to Ms. Wagner, but
10 I did speak to them.

11 MEMBER GOODSSELL: I did. I'd like for you put it on the record.

12 MR. KIM: Yes, I did speak to -- back in early January, I knocked
13 on several doors, just all the surrounding houses, and left a note
14 with my information so they contact me. I spoke to the mother, I
15 believe. She said her name was Shirley. She's an older Asian woman,
16 and I let her know that we're the -- new to it -- neighbors. That
17 were gonna start construction. I apologize for any convenience, and
18 I asked her permission explicitly to cut down the bushes so that we
19 can erect the fencing, and she said, yes, yes, and I showed her what
20 we would do it, so we thought we were good. In hindsight now, I think
21 there was a language barrier, and she was just being polite, which
22 is very sweet of her to do that for me, but she does have a daughter
23 who speaks perfect English, and I think that was -- I don't want to
24 speculate but I don't --

25 MEMBER GOODSSELL: Do you have plans to do a little planting
26 there?

1 MR. KIM: So we told her -- yeah, we'll restore it. In fact,
2 the bushes weren't great. We will restore it even better. We want
3 the privacy as well. The houses are very, you know, similarly close
4 together so.

5 CHAIRMAN MAMMINA: Also, the letter, you spoke about that.
6 They spoke about debris on their driveway or whatever, so it's not
7 in the purview of the Board, but you seem like a gentleman, who would
8 make sure to clean all of that up.

9 MR. KIM: Absolutely. In fact, we took down the scaffolding
10 there that they were complaining about this morning in response. Our
11 intention is to be conscientious, and to be -- get along well with
12 all our neighbors, so we hope to do that going forward.

13 CHAIRMAN MAMMINA: I'd also say, you know, while it's not a
14 zoning issue per se, it's a good neighbor issue, and I only make it,
15 you know, for that reason. But you have four feet, so that's
16 basically two of these aisles, here.

17 MR. KIM: Yes.

18 CHAIRMAN MAMMINA: It's a little bit difficult to get ladders
19 and things into there.

20 MR. KIM: Yes.

21 CHAIRMAN MAMMINA: So you'll continue to try your best.

22 MR. KIM: Absolutely.

23 MEMBER GOODSSELL: That being said, Mr. Chairman, I make a
24 motion that we grant the application.

25 CHAIRMAN MAMMINA: We have a motion. Do we have a second?

26 MEMBER HERNANDEZ: Second.

1 CHAIRMAN MAMMINA: Seconded. Motion by Member Goodsell.

2 Second by Member Hernandez. Please poll the Board.

3 SECRETARY WAGNER: Member Goodsell?

4 MEMBER GOODSSELL: Aye.

5 SECRETARY WAGNER: Member Hernandez?

6 MEMBER HERNANDEZ: Aye.

7 SECRETARY WAGNER: Vice Chairman Francis?

8 VICE CHAIRMAN FRANCIS: Aye.

9 SECRETARY WAGNER: Chairman Mammina?

10 CHAIRMAN MAMMINA: Aye. So the application is granted.

11 MEMBER GOODSSELL: Good luck.

12 MR. KIM: Thank you so much.

13 CHAIRMAN MAMMINA: I remember my first house. I was in that
14 for 43 years.

15 MR. KIM: Wow. That's amazing. Thank you so much.

16 SECRETARY WAGNER: Just to make note. We send the
17 decision -- we'll probably send the decision next week, and then a
18 copy goes to the Building Department, so your next step would be to
19 follow up with the Building Department or your architect probably
20 sometime after next week, and you'll take it from there.

21

22 SECRETARY WAGNER: Appeal #21672, Rajendra Latcha; 757 Anna
23 Avenue, Westbury; Section 10, Block 208, Lot 7; Zoned: Residence C.

24 Variances from 70-100.2(A)(4) and 70-202.2(A) to legalize
25 fencing that is too tall and a patio with not enough water retention
26 on site.

1 MR. LATCHA: Hi, good morning. My name --

2 CHAIRMAN MAMMINA: Let me call it again. I'm sorry. You heard
3 Appeal #21672, Rajendra Latcha. Is there anyone in the room who has
4 interest in the application, other than the applicant? Seeing no
5 one, please give your name and address.

6 MR. LATCHA: Good morning. My name is Rajendra Latcha. My
7 address is 757 Anna Avenue, Westbury, New York 11590. I'm filing
8 a variance for -- this is my wife. My wife is here today. This our
9 first house. Unfortunately, we bought the house with the fence on
10 it. There's a five feet fence. We want us to cut it down to four
11 feet. But much less in the neighborhood, all the neighbors have the
12 same height of fence. We would like to keep it for privacy with our
13 kids. We have three kids.

14 There are pavers in the back yard for the kids to like, you know,
15 have in the summer playing in the back yard. My pavers --

16 MRS. LATCHA: Want me to finish?

17 MR. LATCHA: Yeah, if she could finish 'cause she did with
18 the -- order the pavers and stuff.

19 VICE CHAIRMAN FRANCIS: Before she does, a couple of questions.

20 MR. LATCHA: Yes.

21 VICE CHAIRMAN FRANCIS: First of all, how did come before us?
22 What prompted you to appear before us today?

23 MR. LATCHA: Well, we started from -- I did my driveway because
24 it was asphalt, and it was broken down. I think my wife send a picture
25 with the driveway. When I did the driveway -- so I did the driveway
26 to the back yard, too, so I get a little patio joining into the

1 driveway, so the driveway -- I change the driveway to pavers because
2 the asphalt was like messy. It was no good. Break up all over the
3 place, and kids they would like to ride their bike on the driveway.

4 VICE CHAIRMAN FRANCIS: Did you file a permit for that?

5 MR. LATCHA: Honestly, I never filed a permit because what
6 happens, I -- when I get the contractor, they told me -- I ask like
7 this was my first home. I never know about it, so I asked the
8 contractor if I can file a permit, and he's like, no, you don't need
9 a permit. You just remodel the driveway because I never change the
10 width or anything of it.

11 VICE CHAIRMAN FRANCIS: So somehow you got on the Building
12 Department's radar in terms of having a violation for the fence and
13 the pavers.

14 MR. LATCHA: Yes.

15 VICE CHAIRMAN FRANCIS: How did that happen? Did a building
16 inspector just show up at your house, and say --

17 MRS. LATCHA: Is it okay if I speak?

18 VICE CHAIRMAN FRANCIS: Yes, I'm sorry.

19 MRS. LATCHA: So I was --

20 VICE CHAIRMAN FRANCIS: Just give your name and address.

21 MRS. LATCHA: Sure. Sorry. Good morning. It's nice to meet
22 everyone here. My name is Radeka Latcha.

23 VICE CHAIRMAN FRANCIS: You might be the first person who told
24 us that.

25 MR. LATCHA: Nice to meet everyone. So I have been doing all
26 of the filing, communications with the Building Department. All the

1 paperwork. My husband is very business, you know, he pretty much
2 works. I fill him in, he knows.

3 Yes, as he mentioned, we purchased the property in 2021. It's
4 our first home in Long Island. We spent most of our time in Queens.
5 So when we bought the house, pretty much the outside was very
6 deteriorated. The walkways, the stoop, the driveway. We had our
7 kids -- my son was like two. My other child was five. My daughter
8 was about nine, so we wanted to, you know, redo some work out to make
9 a safe.

10 I came outside one day, the Building Department inspector came.
11 He was by my driveway, so I met with him, and I explained to him that
12 yes, we did redo the pavers. Because of the pavers, that is how we
13 had to issue with the fencing. So we were told -- when I spoke with
14 them, and they explained to us. In their system, they never had
15 permit. I guess maybe 20 years ago they never had any kind of fence
16 permit, which I wasn't aware of because when we purchased, we have
17 had the fencing on both sides that he closed the back yard, so we
18 have no fencing to the front line of the property, just the siding
19 of the home to enclose the back yard. So that's, I believe, about
20 5.5 feet.

21 They told us currently the code enforces it to be four feet,
22 so we were hoping with your approval, we were able to keep it because
23 of safety purposes for the kids. Sometimes, we do gardening in the
24 back as well and privacy.

25 The majority of the neighbors as my husband
26 mentioned -- majority of the neighbors like two houses in front of

1 us, opposite as well, they do have the high fence, six feet fences
2 there as well.

3 All the paperwork I have done; permit filing with the Building
4 Department. I submitted architectural plans as well for the pavers.
5 So everything was legally filed with them. But as far as just
6 keeping -- getting the approval to keep the fence, they asked us to
7 do the variance with the Board.

8 VICE CHAIRMAN FRANCIS: I would just say, I live in New Cassel
9 as well. Not in your section, but I live in New Cassel. One of the
10 problems that we run into is that many, many people, not just in New
11 Cassel, but in North Hempstead, erected fences without permits, so
12 most of the fences that you see in your area and in New Cassel in
13 general, were up -- particularly, if they don't meet the 4-5-6 rule,
14 were put up without permits. The Town Board years ago passed a law
15 that you can only have four-foot fence facing the front of your house,
16 five-foot on the side, and six feet in the rear of your house, and
17 we -- but for really extenuating circumstances, we really do not
18 variant that code. So we've varied when there's been like an
19 autistic child in the house that needed to be kept in, but very, very
20 seldom does that get varied by this Board.

21 MR. LATCHA: I mean, honestly, as I mentioned, when we bought
22 the house 2021, if I knew personally if I knew -- 'cause we try to
23 have everything done, where I had no issues because Long Island is
24 a new area for us. There's so many different codes. There's so many
25 business codes to understand, and I have learned a lot. I've been
26 in communication. I question pretty much everything that we -- I'm

1 educated. I know what to do as a homeowner when making an additions
2 or any kind of improvement. So they did explain that to me, but as
3 I mentioned, we did file the permit to legalize it, and, you know,
4 we just would like to have you guys to -- if you approve it, we'll
5 be very happy for that because majority of those neighbors there they
6 do have the siding -- the six feet fence. I think the majority of
7 the people, even sometimes you sit with your family, you need a little
8 privacy. You don't want, you know, your children are playing.
9 Sometimes, more for me, it's privacy reasons, you know. To be in
10 the back yard feel comfortable.

11 VICE CHAIRMAN FRANCIS: No, I get it.

12 MRS. LATCHA: It's just alongside of the house. It's not
13 actually outside the front. That's very open. I have trees. A few
14 trees that are planted. We did so much improvement to the home. My
15 husband and I actually did so much renovation by ourselves. We
16 improve the landscaping. We've taken care of the house very well.

17 MEMBER GOODSSELL: Did the Building Department go over the fence
18 rule with you?

19 MRS. LATCHA: They explain to me the fencing codes change over
20 the years as he mentioned.

21 MEMBER GOODSSELL: It did change.

22 MRS. LATCHA: Yes.

23 MEMBER GOODSSELL: Four foot in the front. Five feet on the
24 side. Six foot in the rear. The unique thing about your property
25 is that you have a corner property, so you actually have two front
26 yards.

1 MRS. LATCHA: Right.

2 MEMBER GOODSELL: Which we understand. But Mr. Francis is
3 correct. The fences that I see, and we've all looked at your
4 property. The ones that we see should be four feet, not five feet,
5 not six feet. The ones that are visible from the street.

6 CHAIRMAN MAMMINA: I'd like to say two things. First, with
7 regarding the impervious pavers.

8 VICE CHAIRMAN FRANCIS: Well, we don't know if they're
9 imperious.

10 CHAIRMAN MAMMINA: Well, I'm gonna make a point. That
11 according to the disapproval notice, they're set in RCA. That's what
12 you're proposing. So if those are set in RCA, as far as I am concerned
13 as an architect for 49 years, RCA is a material that is, you know,
14 impervious -- excuse me, is pervious, where if you were to put down
15 sand, the sand will all compress together, and then that's not going
16 to permit water to seep down under. As far as I'm concerned as one
17 Board Member, you know, that it goes away. I'll say in defense or
18 in agreement with the Building Department, the zoning code doesn't
19 say that RCA is permitted and sand is permitted or not permit or
20 concretes up, you know, they use their judgment on that.

21 In terms of the fencing. That becomes very tough. I will say,
22 and I'll show how old I've become, but I've been on this Board for
23 33 years, and fencing was also a problem for us as people come in
24 with fencing with all different configurations, and the code only
25 said that it's not permitted. So as referred to, 4-5-6 rule was
26 adopted by the Town Board, which means four facing the front yard,

1 five on the side, six in the back. So you do have a rear yard, which
2 would permit that, but that's not what you're looking for.

3 The problem or the issue that we have is -- which I think is
4 important to understand, we don't write the zoning. Like I said,
5 we are, for all intents and purposes, a judicial board. I guess,
6 we are all judges. Yes, that is correct. But so we look at the law,
7 and then we do a balancing test. I like to say like the scales of
8 justice, when you see the person holding the -- and the statue, and
9 then they're looking, you know, at it. As was said by Member Francis,
10 we hold tight to, you know, to this -- this section of the zoning,
11 and I realize that everything that you're saying and I a ploy --

12 DEPUTY TOWN ATTORNEY ALGIOS: Can I say something?

13 CHAIRMAN MAMMINA: Yes, please.

14 DEPUTY TOWN ATTORNEY ALGIOS: When it comes to fences, for the
15 Board to deviate from the provision in the zoning code, there has
16 to be something unique about your property. Why should the Board
17 allow higher fencing for your property, and not other properties
18 around you? There has been a unique situation about your property.
19 You know, people come to the Board and they think because they have
20 little children or they have a big dog that that would entitle them
21 to a higher fence, but that's a personal thing. It has nothing to
22 do with your property. So -- because if the Board doesn't do that,
23 then they would have to just grant a variance to every single person
24 in your neighborhood because they're not basing it on something
25 unique about your property.

26 MRS. LATCHA: I understand. That's very fair. We have to show

1 respect to. Just from me, as I mentioned, when we bought the house,
2 the fences was there. For me, it's just -- it's not to say waste
3 of money, but at the same time, it will cost us, you know, to go over,
4 rip everything down, and redo it again. It's a process. I wish I
5 would have known prior, that way when we did the pavers, you know,
6 we redo everything, so it's like waste of money for us at the end
7 of the day as well.

8 DEPUTY TOWN ATTORNEY ALGIOS: I don't know that you have to rip
9 everything out. They can go actually cut the PVC down.

10 MRS. LATCHA: Cut it down to four feet.

11 DEPUTY TOWN ATTORNEY ALGIOS: Yes.

12 MRS. LATCHA: Okay.

13 MR. LATCHA: Do I need a license to cut the fence? Because
14 honestly, I'm a construction worker. I work for Local 40, Iron
15 Workers Union, and I think I'm capable to do it because I ask the
16 Board if I could do because it saves me tons of money -- the Building
17 Department, sorry. For cut it, and they said they don't allow me.
18 I have to get a licensed person -- licensed company to cut it.

19 SECRETARY WAGNER: Building Department told you that?

20 MR. LATCHA: Yeah.

21 SECRETARY WAGNER: You need to get a licensed person to cut it?

22 MR. LATCHA: Yes.

23 SECRETARY WAGNER: Then whatever they're telling you is the way
24 it is.

25 MR. LATCHA: Okay. Like to my knowledge, it's like I'm doing
26 construction. It's like I could do it, you know. It's a lot of

1 money. It's not like I'm just going to take out the money and say,
2 all right, I have to cut it. Just like that, so I'm just asking.

3 MEMBER HERNANDEZ: We cannot tell you what you can and cannot
4 do. There is code. It's an electrical code. It's a plumbing code,
5 you need licensed people to do certain work. When you're working
6 on your house, you can decide what is that you can do. The code
7 requires that it be no more than four feet. How it gets to be four
8 feet, is not for us to tell how it gets there.

9 MR. LATCHA: All right.

10 MEMBER HERNANDEZ: I'm sure you've seen them put these fences
11 up. We all have. The fences are made of components. You have a
12 base that goes into the ground in cement, which is usually a square
13 or round pole, and then there's a cap on top. The cap comes off,
14 the pole can be cut, and the cap can be put back on again, and if
15 you can't disconnect it, you put a new one on.

16 MR. LATCHA: I understand.

17 MEMBER HERNANDEZ: So we cannot tell you what you can and cannot
18 do. That's your judgment.

19 MR. LATCHA: Thank you.

20 MRS. LATCHA: I just want to mention as well. As far as the
21 patio in the back yard. I believe they mentioned it's supposed to
22 be -- I think because of the size, it's almost 500 and something square
23 feet. I don't have the exact numbers, but ours is around maybe like
24 30 feet off, which is like maybe we went over by 600 square feet.
25 We have, but my point is with the pavers, the Nicolock pavers that
26 we choice to put in the back yard, those pavers are manufactured in

1 the newest style pavers that used in Long Island and they're
2 designed -- our is compacted soil. A lot of composite soil and sand.
3 A little two inch of RCA inside of it. So the way that it's designed,
4 it has the creases, so when the rain fall, it seeps right through.
5 It's like terra-cotta. It does not maintain any type of heavy
6 rainfall, so it does -- it's designed naturally to seep through and
7 go to the ground.

8 Also, the pavers, it's pitched away from the house, so we have
9 a 30-foot -- it's actually pitched 30 -- I have 30 feet of land space
10 grass, where the water retains is pitched away to just drain onto
11 the 30 feet of soil that we have there, the yard space, so we maximum
12 of very large yard. It's almost 8,000 square feet property.

13 MEMBER GOODSSELL: Sorry, to interrupt you. There's no runoff
14 to your neighbor?

15 MR. LATCHA: No, no. There's no, exactly, so we have enough
16 yard space --

17 MEMBER GOODSSELL: And you would know this because we just had
18 two days of rain.

19 MR. LATCHA: Yes, correct.

20 MRS. LATCHA: Right. There's nothing. Absolutely, there's
21 no water retaining --

22 CHAIRMAN MAMMINA: Let's put that aside because one of the tests
23 is in the zoning is not are you running off water. It's designed
24 to -- the section is designed to not have the runoff of water. I'm
25 absolutely 100 percent certain. We have seen applications come over
26 from the Building Department where I've questioned the fact they

1 didn't count that in the surface area that's covered because they're
2 decision is that the brick is considered pervious with -- and again,
3 I would absolutely -- I Googled right now, okay?

4 MR. LATCHA: Me, myself --

5 CHAIRMAN MAMMINA: Please, please. Sometimes people say too
6 much. But the Building Department has stood at that podium and said
7 if the Board has a different opinion on something, and they grant
8 a variance for something that we might disagree with as to whether
9 or not those Nicolock pavers with RCA underneath is adequate because
10 then it doesn't count. It no longer is -- it's not subject to that.
11 Then I would invite them, which they're very good at -- we have a
12 great Building Department, to go back through their records, and they
13 will see other areas where that's been done because I questioned them
14 when that came on. So as far as I'm concerned as one Board Member,
15 RCA, you know, is the most preferred way to put down a paver.

16 VICE CHAIRMAN FRANCIS: Yeah.

17 MR. LATCHA: Okay.

18 VICE CHAIRMAN FRANCIS: And with that said, just not the whole,
19 you know, belabor the point. I think as we've indicated, we cannot
20 grant the fence as --

21 MR. LATCHA: Yeah, we understand it.

22 VICE CHAIRMAN FRANCIS: So I'm going to make a motion that we
23 deny the fence, but we grant you the pavers.

24 MR. LATCHA: Okay, thank you. That's very fair. We
25 appreciate that.

26 SECRETARY WAGNER: Because of the impervious?

1 VICE CHAIRMAN FRANCIS: Because of the impervious surface, yes.

2 MR. LATCHA: Thank you, we appreciate --

3 SECRETARY WAGNER: And also, it's not immediately adjacent to
4 the pavers.

5 VICE CHAIRMAN FRANCIS: Correct.

6 MEMBER HERNANDEZ: It's not the full property. It's only
7 partial, so that it would drain onto your property.

8 MR. LATCHA: Yes.

9 VICE CHAIRMAN FRANCIS: And not into the neighbors.

10 MR. LATCHA: Yes.

11 VICE CHAIRMAN FRANCIS: So that's my motion.

12 CHAIRMAN MAMMINA: We have a motion. Do we have a second?

13 MEMBER HERNANDEZ: Second.

14 CHAIRMAN MAMMINA: Motion by the Vice Chairman. Second by
15 Member Hernandez. Please poll the Board.

16 SECRETARY WAGNER: Member Goodsell?

17 MEMBER GOODSSELL: Aye.

18 SECRETARY WAGNER: Member Hernandez?

19 MEMBER HERNANDEZ: Aye.

20 SECRETARY WAGNER: Vice Chairman Francis?

21 VICE CHAIRMAN FRANCIS: Aye.

22 SECRETARY WAGNER: Chairman Mammina?

23 CHAIRMAN MAMMINA: Aye. So the application is grant as
24 modified.

25 MR. LATCHA: Thank you very much.

26 MRS. LATCHA: Thank you. Have a wonderful day.

1 SECRETARY WAGNER: I don't know if you heard with the other
2 applicant, but a copy of the decision will be filed next week. You'll
3 be sent a copy of the decision, and then the Building Department also
4 gets that, so then you follow up with them. You're going to have
5 to revise your plans with the Building Department to show the fence
6 will be modified.

7 MR. LATCHA: Yes, we'll get it done.

8 SECRETARY WAGNER: And they will -- so anything that they need
9 from you, you would contact -- you would be in contact with them.

10 MR. LATCHA: We'll take care of it.

11 SECRETARY WAGNER: From now on forward, you'll be dealing with
12 the Building Department.

13 CHAIRMAN MAMMINA: Also, as pointed out -- made by our attorney.
14 It is granted in part and denied in part as well. The pavers being
15 granted, and the fence is being denied.

16 MR. LATCHA: Yes, all right. Thank you very much.

17 MRS. LATCHA: Have a good day.
18

19 SECRETARY WAGNER: Appeal #21699, Roslyn Cemetery (Angelo
20 Uliano); (No #) Northern Boulevard, Roslyn Heights; Section 20, Block
21 N, Lot 9; Zoned: Residence B.

22 Variances from 70-100.2(A)(2) and 70-100.2(A)(4) to legalize
23 fencing that is too tall and too close to the street.

24 CHAIRMAN MAMMINA: You've heard Appeal #21699, Roslyn
25 Cemetery, Angelo Uliano. Is there anyone in the room that's
26 interested in the application other than the applicant? Seeing no

1 one, please give your name and address.

2 MR. ULIANO: My name is Angelo Uliano. I'm actually the
3 manager of Roslyn Cemetery. We're seeking a variance for our fence.
4 One being too tall. Part of it is, I guess, the too tall part. We
5 have 90 feet along our maintenance garage, and then it wraps around
6 another 10 feet, so it's a total of 100 feet next to our neighbor,
7 which is a vet.

8 We're seeking the fence at six feet on that side because of
9 possible theft from our trucks, our maintenance garage, and also,
10 we have heavy machinery, so it is also a potential liability for
11 someone if they did venture into the cemetery at that point.

12 The rest of the fence, which is 680 feet off the top of my head,
13 if I remember. It is 18 inches off the property line. It's a
14 four-foot chain link fence that we're looking to replace. It's been
15 there for countless years.

16 We used to be under Queens jurisdiction. I know years ago we
17 were erected in 1860.

18 VICE CHAIRMAN FRANCIS: Right.

19 MR. ULIANO: So I'm not sure how long the fence has been there.
20 No one on the committee can tell me from the church. We were bought
21 on by Roslyn Presbyterian Church. No one seems to know when it was
22 erected. It's very old. It's an eyesore to our patrons, also I
23 think the community as they drive along Northern Boulevard. So we're
24 looking to replace the four-foot chain link.

25 VICE CHAIRMAN FRANCIS: When you say it's an eyesore to the
26 patrons --

1 MR. ULIANO: Like the people who come visit their loved ones,
2 yes, absolutely.

3 VICE CHAIRMAN FRANCIS: Not the permanent residents.

4 MR. ULIANO: Not the permanent ones, just the visiting. So at
5 that point, I've only been with them for about six months now. We're
6 trying to do a lot of cleanup work around there. Because the place
7 is historic, it shouldn't have to look historic, you know.

8 CHAIRMAN MAMMINA: I see something on the survey, which shows
9 the fencing, and it shows that the survey was created in 1979. So
10 I don't know -- Debra? Predates the zoning code, right?

11 VICE CHAIRMAN FRANCIS: By a lot.

12 MR. ULIANO: So part of the issue I also been having is even
13 finding -- like I've been trying to track down our land deed. I know
14 we were transferred to Nassau years ago, so I even tried to make my
15 way into Queens and try to -- now that's something I can't even find.
16 So that survey, which is from the 70s. It does show though our fence
17 was there on that survey. Like I said, I've been trying to figure
18 at that point when it was even -- who allowed it, realistically. So
19 that's why we're here today going through the process to see if we
20 can replace the fence, and hopefully also even try to go up six feet
21 along that one part by the garage because, like I said, we do have
22 an issue of possibility of theft, and could deter someone from trying
23 to jump a six-foot as opposed to a four-foot fence realistically.

24 VICE CHAIRMAN FRANCIS: So in addition to the fencing to deter
25 people, do you have any kind of alarm system or?

26 MR. ULIANO: So we do have a camera in the front. We have

1 wrought iron gates that have been there for a long. Actually, that's
2 also part of the plan is to eventually refurbish them and keep them
3 because they're aesthetically pleasing I think to the history of the
4 cemetery. So we're gonna keep those. As opposed to the gates, we're
5 not allowed to close them as opposed to fire marshal 'cause we have
6 east gate tollhouse on the property. So we're not allowed to lock
7 the gates. If there was ever a structural fire there, we would need
8 like an electronic gate at that point for them to get in. That's
9 not really something we're interested in installing because, like
10 I said, the aesthetic of the cemetery and those wrought iron gates.
11 We're not gonna get rid of them if we don't have to. So we actually
12 don't lock those gates, realistically, no.

13 VICE CHAIRMAN FRANCIS: Got you.

14 MEMBER HERNANDEZ: So you're looking to do only part of it --

15 MR. ULIANO: Six feet.

16 MEMBER HERNANDEZ: Six feet.

17 MR. ULIANO: Yeah.

18 MEMBER HERNANDEZ: I'm trying to figure out which is the part
19 that you're looking to do.

20 MR. ULIANO: So we have a maintenance garage that is towards
21 the end of the property.

22 MEMBER HERNANDEZ: It's under the maintenance garage.

23 MR. ULIANO: Yeah, and it's 90 feet, and then wraps around 10
24 feet to close off the property. So it's 100 total feet.

25 MEMBER HERNANDEZ: So it's 90 facing Northern Boulevard.

26 MR. ULIANO: Yes, 90 facing Northern Boulevard, and then

1 behind --

2 MEMBER HERNANDEZ: Ten perpendicular --

3 MR. ULIANO: To the garage, correct.

4 MEMBER HERNANDEZ: To Northern Boulevard.

5 CHAIRMAN MAMMINA: Just a question. Does this cemetery have
6 any kind of historic designation based on its age?

7 MR. ULIANO: Yeah, we're an historic landmark. Yeah, the
8 cemetery and the east gate.

9 SECRETARY WAGNER: They received their -- you got your
10 certificate of appropriateness?

11 MR. ULIANO: Yes.

12 MEMBER GOODSELL: The fence that you're looking to put it in
13 is it black?

14 MR. ULIANO: Black chain link, correct?

15 MEMBER GOODSELL: So it's basically see through.

16 MR. ULIANO: Yeah, it's also the same thing that they had
17 previously. We're also not allowed to do certain things. We have
18 to kind of go through that process as well. Like we're not allowed
19 to use certain materials and whatnot, so the chain link seems to be
20 something easily approved or at one point it was, and we're gonna
21 keep that aesthetic, and then go from there. We also have a lot of
22 like trees and brush in front of the cemetery, so there is some
23 privacy.

24 MEMBER GOODSELL: To be honest with you, I'm the newest member
25 of the Board. I've been here for four years. I had no idea the
26 cemetery had even a front yard, so this is --

1 MR. ULIANO: Yes.

2 MEMBER GOODSSELL: I said to the Board Members the stuff I learn
3 on this Board.

4 MR. ULIANO: Yes. We're at the -- most of our property runs
5 along Northern.

6 CHAIRMAN MAMMINA: In another town, I am chairman of historic
7 preservation division. It would be my opinion that if you would
8 landmark when that was there, that -- you can't ask for it to be
9 changed. The municipality can't ask to be changed.

10 MR. ULIANO: Yeah.

11 CHAIRMAN MAMMINA: That's just my opinion. Of course, I don't
12 think, if this goes back to 18-something, you know, that it was -- the
13 fencing that was put in.

14 VICE CHAIRMAN FRANCIS: Right.

15 DEPUTY TOWN ATTORNEY ALGIOS: You mean, the existing chain link
16 fence?

17 CHAIRMAN MAMMINA: Yeah.

18 DEPUTY TOWN ATTORNEY ALGIOS: Under our historic landmark's
19 code, they can?

20 CHAIRMAN MAMMINA: That's what I'm saying.

21 MEMBER HERNANDEZ: You can replace it, but you cannot change
22 it. I think is what you're trying to say, right?

23 MR. ULIANO: Yeah. I understood what you were saying.

24 (Whereupon, a discussion was held amongst Board Members.)

25 MEMBER HERNANDEZ: Mr. Chairman, based on our discussion, I
26 move that we grant the application.

1 MEMBER GOODSSELL: I will second that.

2 CHAIRMAN MAMMINA: We have Member Hernandez and Member
3 Goodsell. Please poll the Board.

4 SECRETARY WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 SECRETARY WAGNER: Member Hernandez?

7 MEMBER HERNANDEZ: Aye.

8 SECRETARY WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 SECRETARY WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: Before I say aye, I'm just gonna punctuate
12 the point that this is a historically designated piece of property
13 and therefore separates it from someone else who might come in and
14 ask for that same fence in their front yard, and with that, I vote,
15 aye as well.

16 MR. ULIANO: Thank you so much.

17 MEMBER HERNANDEZ: Thank you.

18 VICE CHAIRMAN FRANCIS: Thank you.

19

20 SECRETARY WAGNER: Appeal #21700, Excel Academy Signs; 1447
21 Northern Blvd., Manhasset; Section 3, Block 65, Lot 142; Zoned:
22 Business A & Parking District.

23 Variances from 70-196(J) (1) (f), 70-196(J) (1) & 70-196(J) (1) (a)
24 to construct wall signs that are too high, not facing a public street
25 or parking area, and more than one sign on a wall.

26 CHAIRMAN MAMMINA: You've heard Appeal #21700, Excel Academy

1 Signs. Is there anyone in the room interested in the application
2 other than the applicant? Seeing no one, please give your name and
3 address.

4 MR. HARRIS: Ira Harris, 32 Cherry Lane, Floral Park, New York
5 11001.

6 CHAIRMAN MAMMINA: Good afternoon.

7 VICE CHAIRMAN FRANCIS: Good morning.

8 MR. HARRIS: Nice to see you.

9 VICE CHAIRMAN FRANCIS: Yes.

10 SECRETARY WAGNER: Mr. Harris, you're becoming a regular now.

11 MR. HARRIS: Hopefully, not too many times. This is a variety
12 for me to be honest.

13 So there's two signs. One on the side of the building, and one
14 on the front of the building. Both of them are too high. They're
15 both code. That's why I'm here.

16 The one in the front, his business is upstairs above those
17 windows, and next door is the Fitness Loft. They've got their sign
18 up there as well. That's where TGI Fridays was at one time on the
19 first floor, and I assume whatever is going there now or in the future,
20 they're going to have to have that -- everything below the windows
21 for their signage. So the customer needs some type of sign over
22 there.

23 So the front of the building, the sign itself is up to code as
24 far as size. It's the height, and it's kind of in line with the
25 Fitness Loft. The side sign overlooking the driveway, that we made
26 to size, too. You're allowed. I guess, over a parking lot a

1 2-foot-by-12-foot sign, but again, the Fitness Loft has their sign
2 on the side of the building. So it's either you have to change it
3 to a directory, or, I guess, somehow allow this second sign there,
4 which again, is also above height but up to sign code, or one guy's
5 gotta fight who's area it is.

6 CHAIRMAN MAMMINA: I never heard the term in terms of the zoning
7 as a directory sign. I mean, my understanding of just a directory
8 sign, I go to the doctor, and it says doctor, doctor, doctor.

9 MEMBER HERNANDEZ: Right.

10 CHAIRMAN MAMMINA: So a directory sign on a building, I don't
11 know. We never had, you know, anything --

12 MR. HARRIS: Yeah, sometimes they make -- sometimes, it's a
13 ground sign but it's a directory.

14 CHAIRMAN MAMMINA: Yes, ground signs that list two, three, ten,
15 you know, businesses.

16 VICE CHAIRMAN FRANCIS: I think that's what you're.

17 MR. HARRIS: Yeah, that's what I'm referring to, but you'd have
18 to --

19 CHAIRMAN MAMMINA: I thought you said it was on the building.

20 MR. HARRIS: No, no, no. I'm sorry.

21 CHAIRMAN MAMMINA: Are there permits for any of the signs that
22 are there.

23 MR. HARRIS: That I didn't do a FOIL request or anything.

24 CHAIRMAN MAMMINA: I mean, just my opinion --

25 MR. HARRIS: I assume, I guess, it gets up there.

26 CHAIRMAN MAMMINA: Just one person on the Board, you know, that

1 we would have to deny this, and let me them come in for legal signs,
2 when they're gonna put in whatever businesses. I don't know where
3 they're gonna put their sign. I don't know if the sign is gonna be
4 okay.

5 MEMBER HERNANDEZ: Are you here for the Excel Academy?

6 MR. HARRIS: I'm here for the Excel Academy.

7 MEMBER HERNANDEZ: He's here for the Excel Academy.

8 CHAIRMAN MAMMINA: Oh, okay.

9 MEMBER HERNANDEZ: Just that one particular sign.

10 CHAIRMAN MAMMINA: Just that one?

11 MEMBER HERNANDEZ: Yes.

12 MR. HARRIS: Right. So again, that sign, the only place for
13 him to put a sign is above that window where his business is. The
14 ground floor would be for the next business that goes in, which would
15 probably be the flagship business.

16 MEMBER HERNANDEZ: The argument that you're making is to put
17 the sign in the legal height, it will be in a space where the ground
18 floor tenant will eventually need to put their sign.

19 MR. HARRIS: Exactly.

20 MEMBER HERNANDEZ: Otherwise, they'll be no space for the
21 tenant, the ground floor tenant.

22 MR. HARRIS: And that's probably the flagship of that building.

23 MEMBER HERNANDEZ: That's where the confusion came in.

24 MR. HARRIS: I'm sorry.

25 MEMBER HERNANDEZ: You're not talking about that potential
26 future sign, which we will assume will come in at some point.

1 MR. HARRIS: Sure.

2 MEMBER HERNANDEZ: That sign faces the street, which is fine.
3 The other one is technically facing the parking lot, and although,
4 you haven't said it, it's really -- although space in the parking
5 lot, it's right at the corner of the building, which means that you
6 probably could be driving west of Northern Boulevard, that would be
7 the sign that I would see pointing me to Excel Academy.

8 MR. HARRIS: Right.

9 MEMBER HERNANDEZ: I would not see the one facing Northern
10 Boulevard until it was too late.

11 MR. HARRIS: Right.

12 MEMBER HERNANDEZ: And I was effectively past the entrance to
13 the parking. So that sign, therefore, is in a very logical place
14 to allow me to see the business coming up and give you time to make
15 a right turn into the parking lot.

16 MR. HARRIS: Exactly. And I made it the size
17 2-foot-by-12-foot, which is the allowable size usually over a parking
18 lot or a driveway, so.

19 MEMBER HERNANDEZ: Can you just talk about why that sign is so
20 high up in air; 26 feet, and why those signs shouldn't be at the,
21 you know, code height.

22 CHAIRMAN MAMMINA: That is a major question that I have. That
23 sign is up, yes.

24 MR. HARRIS: The one on the side of the building?

25 MEMBER HERNANDEZ: Yes, the one facing the -- where they call
26 facing the parking lot. The one they call facing, which is the one

1 facing the driveway basically.

2 MR. HARRIS: I think if it came down lower -- theoretically,
3 it could come down lower. I figured it would be better closer to
4 that other sign that's up there.

5 MEMBER HERNANDEZ: I have lived in the neighborhood for over
6 30 years. I remember TGI Fridays when it was there very, very well,
7 and I can actually see the remains of where the TGI Friday sign used
8 to be. You can probably use the same argument you used for the front
9 of the building, and that TGIF had their sign there first pointing
10 to the back of the parking lot.

11 MR. HARRIS: Right.

12 MEMBER HERNANDEZ: So you are leaving enough room for the new
13 tenant to put --

14 MR. HARRIS: 'Cause that's gonna be a flagship business that
15 comes in there.

16 MEMBER HERNANDEZ: You could use the same argument.

17 MR. HARRIS: Yes.

18 CHAIRMAN MAMMINA: 'Cause you could see where the plaster, you
19 know, is. The stucco is repaired.

20 VICE CHAIRMAN FRANCIS: Right.

21 MEMBER HERNANDEZ: And the TGIF will be or the future tenant
22 will be underneath.

23 CHAIRMAN MAMMINA: I don't see up 26 feet.

24 MEMBER HERNANDEZ: Well, it says 26 feet according to the --

25 CHAIRMAN MAMMINA: No, no, but I'm saying, I don't --

26 MEMBER HERNANDEZ: Yeah, it's not effective.

1 No further comments.

2 Mr. Chairman, given our discussion now, and that is the most
3 logical place to put these signs. I move that we grant the
4 application.

5 CHAIRMAN MAMMINA: We have a motion.

6 MEMBER GOODSSELL: I'll second the application.

7 CHAIRMAN MAMMINA: Motion by Member Hernandez. Second by
8 Member Goodsell. Please poll the Board.

9 SECRETARY WAGNER: Member Goodsell?

10 MEMBER GOODSSELL: Aye.

11 SECRETARY WAGNER: Member Hernandez?

12 MEMBER HERNANDEZ: Aye.

13 SECRETARY WAGNER: Vice Chairman Francis?

14 VICE CHAIRMAN FRANCIS: Aye.

15 SECRETARY WAGNER: Chairman Mammina.

16 CHAIRMAN MAMMINA: Aye. Application is granted.

17 MR. HARRIS: Thank you, all. Pleasure.

18 VICE CHAIRMAN FRANCIS: Good to see you.

19

20 SECRETARY WAGNER: Appeal #21701, Augusto Pereira; 2137
21 Jericho Turnpike, Garden City Park; Section 9, Block 244, Lot 633;
22 Zoned: Business B.

23 Variances from 70-146.A, 70-203.G, and 70-203.J to construct
24 a new garage too close to the rear property line, with no landscape
25 buffer, and a vehicular entry gate that is too close to the front
26 property line.

1 CHAIRMAN MAMMINA: You heard Appeal #21701, Augusto Perieira.
2 Is there anyone in the room interested in the application other than
3 the applicant. Seeing no one, please give your name and address.

4 MR. HIGGINS: For the record, Tim P. Higgins, 76 Hillside
5 Avenue, Manhasset, New York, 11030, for the applicant.

6 Good morning, Mr. Chairman, Members of the Board. How are you?

7 CHAIRMAN MAMMINA: Good morning.

8 MR. HIGGINS: I'm shocked that the first board --

9 CHAIRMAN MAMMINA: Shhhhh.

10 MEMBER GOODSELL: If you say more on that, we will dismiss you
11 from the podium.

12 MR. HIGGINS: No mas.

13 MEMBER GOODSELL: So just smile and put your application.

14 MR. HIGGINS: No mas. It's a good -- I'm happy.

15 VICE CHAIRMAN FRANCIS: Please don't try to beat Senator Corey
16 Booker's time at the podium.

17 CHAIRMAN MAMMINA: Every couple of years, we get a day like
18 today.

19 MR. HIGGINS: So may I?

20 VICE CHAIRMAN FRANCIS: Yes, please.

21 MR. HIGGINS: So the applicant seeks to build a commercial
22 masonry structure for its commercial vehicles, which quite clean up
23 the whole situation over there.

24 The problem is that we are trying to comply with the parking.
25 We have the required parking from Jericho Turnpike back toward the
26 rear of the property. That pushes the structure back flush against

1 the rear yard line. The code, of course, it's 70-146, requires
2 a -- the letter of disapproval says 20-foot setback, but the reality
3 it's 15 'cause we are serviced by the sewers. So we need a 15-foot
4 rear yard setback, and we also need a 15 -- under 70-203G, we need
5 a 15-foot landscape buffer because this commercial property adjoins
6 the residential right behind.

7 And then thirdly, we need -- or the applicant, I should say,
8 seeks to maintain the current vehicular entrance gate that is along
9 Old Stewart, the secondary front yard. Whereas the code as currently
10 provides, it's supposed -- that gate's supposed to be 18 feet back
11 with an 18-foot open area in front of it.

12 In my argument, I suggested that upon information and belief,
13 which was my information and my belief, that the gate predated the
14 code because I have a 1980 survey, which I included in my packet that
15 shows the gate back in 1980. However, I did a little due diligence,
16 and I have to tell on myself because I found, which I want to give
17 to the Board, on the 1951 code there was amendment adopted in June
18 of 1951, that addresses both the 15-foot landscape buffer; ouch, and
19 the vehicular entrance gate required to be 18 feet back. Just for
20 clarity, I'll just submit copies of that for the Board.

21 SECRETARY WAGNER: This will be Exhibit 1.

22 MR. HIGGINS: Sure.

23 I found that by looking at the original code and then all the
24 amendments.

25 MEMBER HERNANDEZ: Just give us one moment.

26 CHAIRMAN MAMMINA: Off the record.

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

2 (Whereupon, Member Donatelli joined the Proceedings.)

3 MR. HARRIS: Mr. Chairman, funny you bring that up because I
4 was doing research for the property to see what's around it, and I
5 found that the property to the immediate east was also owned by Corbel
6 in 1950. I included it in the package. A survey of Corbel's
7 property, at 2147, which is just to the east. It's Lot 632. It's
8 dated 1961, and the reason I submitted it is because he built a
9 building, commercial building with zero side yards, which is
10 permitted under the code, but instead of the required front yard
11 setback, the Board gave him a 10-foot setback, and interestingly
12 enough, this was in 19 -- well, the survey I gave you is '61, but
13 the initial variance that he got was from 1950. So he predated that
14 amendment that I showed you requiring the 15 feet because I'm looking
15 at the aerial view, and he goes from Jericho right to the street
16 behind, with no landscape buffer. I'm like, hey, how come he can
17 have it and we can't, and then I realized the zoning variance that
18 he obtained was from 1950, which allotted him only to set back 10
19 feet, with of course, zero sides, and no mentions of the 15-foot
20 buffer. I understand why now because the decision came down in the
21 1950, and the code was amended in '51.

22 However, I presented it just to give the Board an appreciation
23 of the character of the property surrounding, if you will, and then
24 Corbel had a fire where that building that he got the right built
25 at '50 actually burnt down, so he had to go back in '59 and get another
26 variance to reconstruct the building which he got. I included both

1 decisions in my package. Again, just to show the Board the
2 character, if you will, of the surrounding property to the immediate
3 east. So I'm suggesting in my package that Corbel's property to the
4 east is actually a precedent for our requested relief with regard
5 to the zero rear yard setback. But on the reflection, now, I
6 understand because he got his relief in '50, and the code was amended
7 in '51.

8 However, when you look at the building plans, and you look at -- I
9 also submitted an aerial view of the property. The construction of
10 this garage is going to clean things up. It's gonna just neaten
11 everything. So there's clearly a need for this masonry building.
12 The problem is if we try to comply with both the 15-foot rear yard
13 setback and the landscape buffer, it pushes the building too close
14 to Jericho, and we lose parking spaces. We would only be back for
15 a parking variance because the spaces shown on the plan are just
16 compliant, where if we lose any of them, I'll have to come in for
17 a parking variance.

18 MEMBER HERNANDEZ: And also places that building almost on top
19 of the other building that's on Broadway. I'm assuming you're not
20 taking down the other building, correct?

21 MR. HIGGINS: No.

22 MEMBER HERNANDEZ: So if you were to move that building into
23 any other location --

24 MR. HIGGINS: Well, to the Corbel property, which is the
25 immediate east has --

26 MEMBER HERNANDEZ: I'm talking about the property --

1 MR. HIGGINS: The existing building on the subject property?

2 MEMBER HERNANDEZ: Yeah.

3 MR. HIGGINS: We're not gonna touch that, so it is close.

4 MEMBER HERNANDEZ: If you move that away from the -- move that
5 buffer -- to put that buffer in, it will bring that building almost
6 on top. The corners will almost be touching.

7 MR. HIGGINS: Yes, and I guess it will impede with the access;
8 egress, ingress to the building. So we're kind of getting backed
9 into with a shoehorn where we can put this building, but if the Board
10 looked at that aerial view, it's needed. We need to clean things
11 up, and this will allow the property to get cleaned up.

12 MEMBER HERNANDEZ: What is the height of the building? I don't
13 see it on the plan. Is it a one-story?

14 MR. HIGGINS: Just a one-story.

15 MEMBER HERNANDEZ: Just a one-story building.

16 MR. HIGGINS: Yeah.

17 VICE CHAIRMAN FRANCIS: What, if any, impact does it have on
18 the residential properties?

19 MR. HIGGINS: Well, the property behind to the immediate behind
20 is residential. So we reached out to that property owner, and I have
21 a written consent approving both the building without the rear yard
22 setback, and without the buffer, and of course the gate. If I may
23 submit applicant's Exhibit 2?

24 VICE CHAIRMAN FRANCIS: Yes.

25 MR. HIGGINS: I didn't get a chance to photocopy it because my
26 client just brought it.

1 MR. TUMBARELLO: Thank you.

2 SECRETARY WAGNER: This will be Exhibit 2.

3 (Whereupon, a discussion was held amongst Board Members.)

4 MR. HIGGINS: If I may, I also have a consent from the current
5 owner of the Corbel property to the east. Also, consenting to go
6 all three branches if I may, I'll submit this as Applicant's Exhibit
7 3.

8 MR. TUMBARELLO: Thank you.

9 VICE CHAIRMAN FRANCIS: Mr. Higgins, you certainly did your
10 homework on this application.

11 MR. HIGGINS: I try. Quite frankly -- off the record.

12 CHAIRMAN MAMMINA: Off the record.

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

14 MR. HIGGINS: So when I did my due diligence on the tax
15 assessors, it looks to me like what the assessor indicated. The
16 current building was built in '38. It might have been built earlier,
17 but I have clear date that says 1938, and certainly from 1938 through
18 today, the rear yard of the property has been paved with no landscape
19 buffer because as I indicate that ordinance didn't come until '51.
20 So arguably, we're grandfathered pre-existing; however, what
21 triggers us to come before the Board is, of course, now we want to
22 build a building, which you must comply with the current zoning.

23 The proposal of the accessory building to be built in that rear
24 yard is triggering the provision of 203G, requiring a 15-foot
25 landscape buffer in the rear yard. Previously paved. It's been
26 paved since '38, but it's never been built upon.

1 CHAIRMAN MAMMINA: The other thing that I will say is based upon
2 the surveys and things, there's an 8-foot concrete block wall that's
3 right on that property line from that neighbor existing. This
4 building -- I don't want to say it's only seven feet tall, but it's
5 seven feet taller than the existing wall.

6 MR. HIGGINS: The proposed building is seven feet taller?

7 CHAIRMAN MAMMINA: Than the existing --

8 MR. HIGGINS: Than the Corbel building?

9 CHAIRMAN MAMMINA: Than the corner of that property.

10 MEMBER HERNANDEZ: If the plans show the corner of the property
11 facing that neighbor's back yard as seven feet.

12 CHAIRMAN MAMMINA: Eight feet tall.

13 MEMBER HERNANDEZ: Eight feet tall concrete block wall. So
14 they already have a wall facing their back yard.

15 MR. HIGGINS: Okay.

16 MEMBER HERNANDEZ: So this new building will be a little bit
17 taller but it will provide more screening from all the trucks and
18 everything else on that side.

19 MR. HIGGINS: It will be buffered, okay.

20 CHAIRMAN MAMMINA: I don't see where you identify -- is it the
21 survey?

22 MEMBER HERNANDEZ: Yes, the survey.

23 CHAIRMAN MAMMINA: It says 2018. It's right in that northwest
24 corner of --

25 MEMBER HERNANDEZ: Southwest.

26 CHAIRMAN MAMMINA: Southwest. Where the new building is gonna

1 be, and so eight-foot wall is becoming seven feet taller is my point.

2 MR. HIGGINS: Okay.

3 CHAIRMAN MAMMINA: So I don't see that as being any big change
4 considering the industrial character of that entire neighborhood.

5 MR. HIGGINS: I had -- just to bolster your comment, Mr.
6 Chairman. I submitted an aerial view. I don't know if the Board
7 Members, but I have copies, which will be Applicant's Exhibit 4.
8 Just to give the Board an appreciation of the surrounding property
9 in the area.

10 CHAIRMAN MAMMINA: I'm going to go off the record again.

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

12 MR. HIGGINS: I also have signed consent from the neighbor to
13 the west on the other side of Old Stewart, but unfortunately, he
14 didn't get his signature notarized, so I don't know that the Board
15 will accept it, but it has his signature.

16 SECRETARY WAGNER: Debra? This just goes to weight?

17 DEPUTY TOWN ATTORNEY ALGIOS: It just goes to weight.

18 SECRETARY WAGNER: This one is Exhibit 5.

19 MR. HIGGINS: Exhibit 5, yeah.

20 MEMBER DONATELLI: Who is this consent from?

21 MEMBER GOODSSELL: This house right here.

22 MEMBER DONATELLI: Yes.

23 MEMBER GOODSSELL: Old Stewart area.

24 MEMBER DONATELLI: May I see the consent from the commercial
25 neighbor?

26 MR. HIGGINS: I have two commercial consents. The one to the

1 immediate east, and then opposite to Old Stewart to the west on that
2 opposite corner, who coincidentally owns two more commercial
3 properties east of Corbel, so that property owner has three
4 properties and signed the consent as well.

5 MEMBER DONATELLI: So Mr. Carlotta is the residential
6 neighbor?

7 MR. HIGGINS: He's a residential. I think he's the most
8 affected based upon the code.

9 MEMBER DONATELLI: Right. Thank you.

10 MEMBER GOODSSELL: Mr. Higgins, I grew up in this area, and this
11 is my section of town, and I know that it's always been a business
12 and commercial corridor. There is just no way to, again, lift the
13 property up, create a landscape buffer, even a five feet. I really
14 think a landscape buffer between a commercial property and
15 residential property helps the neighborhood. It's just not there
16 in such an old section of town, and as much as it was possible, I'm
17 also looking this up on Google. It's just not possible to do, and,
18 in fact, very few of the commercial properties along this strip have
19 any kind of landscape buffer at all.

20 MR. HIGGINS: Agreed. I didn't want to tell on anybody, but
21 when I looked further into the Corbel file, at some point, they wanted
22 other relief. They wanted to be able to park because they go from
23 Jericho to the residential street behind. They wanted to park all
24 their --

25 MEMBER GOODSSELL: They do. They have -- unbeknownst to me,
26 they have a parking lot right in behind the building.

1 MR. HIGGINS: Yeah, so they wanted to be able to park all their
2 commercial vehicles and everything, and at that time, the Board in
3 '58 or whatever it was; said give us a landscape buffer along the
4 residential street. As you can look on Google that never happened,
5 but the Board tried to make it happen back then.

6 MEMBER GOODSELL: The properties that I feel the most for are
7 the two or three residential properties, which are immediately
8 adjacent to your client's property, but you have the consent of the
9 one that's most impacted.

10 MR. HIGGINS: Right.

11 MEMBER GOODSELL: Which is kind of surprising, but again,
12 there's no place to be a landscape buffer.

13 MEMBER HERNANDEZ: Not at all.

14 SECRETARY WAGNER: Well, I think he also testified that the
15 proposed action is going to result in improvement to the property
16 and the character, so that is a mitigating factor.

17 VICE CHAIRMAN FRANCIS: Right.

18 MR. HIGGINS: Agreed. Finally, if I may address the gate.

19 MEMBER GOODSELL: If you would.

20 MR. HIGGINS: My client, I believe, indicated to me he bought
21 it '85, but when he bought it, he had to Nicoletti survey from 1980
22 that showed the gate there at that time. I don't know how much
23 earlier the gate was actually there because we only came into
24 ownership in '85, and the only proof I could find is a 1980 Nicoletti
25 survey. In my argument, I said upon information and belief, we may
26 be grandfathered, but we all know we're not because that '51 amendment

1 talks about gates being 18 feet in; however, when you look at the
2 area of the map, et cetera, to try to move the gate in is gonna present
3 issues with regard to the building as well, the proposed building,
4 so we are respectfully asking the Board in lieu of the fact that we
5 can show proof that it's there since '80 and more likely earlier,
6 that the Board would permit us to maintain it.

7 VICE CHAIRMAN FRANCIS: It certainly would have a financial
8 impact as well, I would imagine --

9 MR. HIGGINS: Yes, it will.

10 VICE CHAIRMAN FRANCIS: -- if you had to move that gate?

11 MR. HIGGINS: Yes.

12 VICE CHAIRMAN FRANCIS: And just off the top of my head I would
13 say that would probably be of substantial financial impact?

14 MR. HIGGINS: Yes, it would.

15 MEMBER DONATELLI: Does your client anticipate receiving any
16 supplies or anything from an 18-wheeler truck? My understanding is
17 that may have been the reasoning behind the 18-foot setback for the
18 gate. Does your client anticipate receiving anything from an
19 18-wheeler?

20 MR. HIGGINS: You're correct, Mr. Donatelli. No, not with his
21 type of business.

22 MEMBER GOODSELL: I have no questions and no objections. I
23 don't see that it is possible. I don't have any objections.

24 MEMBER HERNANDEZ: Let's go back to the gate one more minute
25 because I think that -- actually, moving that gate, although I
26 understand the reasoning of the code to be that way. Given that you

1 have a residential property next door, moving that gate 18 feet in,
2 would probably be detrimental to that property because any vehicles
3 that could be parked outside the gate, would be directly visible --

4 MR. HIGGINS: Yes.

5 MEMBER HERNANDEZ: -- to the house. By having that gate up
6 front, that means if there's any vehicle parked, it'll be behind the
7 gate.

8 MR. HIGGINS: And it camouflages any activity back there. Not
9 only is the gate, but it's also screening.

10 MEMBER HERNANDEZ: It acts as a screen, which is actually better
11 for the neighborhood.

12 MR. HIGGINS: We conquer, Mr. Hernandez.

13 CHAIRMAN MAMMINA: Then we have a motion?

14 MEMBER GOODSSELL: Based upon all the information that has been
15 presented to the Board, Mr. Chairman, I make a motion that we grant
16 the application.

17 CHAIRMAN MAMMINA: We have a motion by Member Goodsell.

18 MEMBER HERNANDEZ: Second.

19 CHAIRMAN MAMMINA: Second by Member Hernandez. Please poll
20 the Board.

21 SECRETARY WAGNER: Member Hernandez?

22 MEMBER HERNANDEZ: Aye.

23 SECRETARY WAGNER: Member Goodsell?

24 MEMBER GOODSSELL: Aye.

25 SECRETARY WAGNER: Member Donatelli?

26 MEMBER DONATELLI: Aye.

1 SECRETARY WAGNER: Vice Chairman Francis?

2 VICE CHAIRMAN FRANCIS: Aye.

3 SECRETARY WAGNER: Chairman Mammina?

4 CHAIRMAN MAMMINA: Aye. Application is granted.

5 MR. HIGGINS: Thank you for your time, and you've been most
6 helpful.

7 VICE CHAIRMAN FRANCIS: Good job, Mr. Higgins.

8

9

10 CHAIRMAN MAMMINA: Do we've a motion to adopt SEQRA?

11 MEMBER DONATELLI: I will make a motion.

12 VICE CHAIRMAN FRANCIS: No, go ahead.

13 MEMBER DONATELLI: I got to catch up today.

14 VICE CHAIRMAN FRANCIS: Earn your keep.

15 CHAIRMAN MAMMINA: Second?

16 VICE CHAIRMAN FRANCIS: I'll second.

17 CHAIRMAN MAMMINA: Second by Vice Chairman Francis.

18 SECRETARY WAGNER: All in favor?

19 BOARD MEMBERS: Aye.

20 (WHEREUPON, the Proceedings concluded at 12:48 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 30th day of May, 2025.



MARIESEL BERRIOS