

1
2 Town of North Hempstead

3 Board of Zoning Appeals

4 PUBLIC HEARINGS

5
6 Wednesday, June 11, 2025

7 10:00 a.m.

8
9
10 BOARD MEMBERS PRESENT:

11 David Mammina, Chairman

12 Leslie Francis, Vice Chairman

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 Steven Perrotta, Planner

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1 CHAIRMAN MAMMINA: We're going to get started because we don't
2 have a live stream on yet, so you'll be on TV while the hearing is
3 going on because everything is public. With that said, let's join
4 Vice Chairman Francis.

5 (Whereupon the Pledge of Allegiance was recited.)

6 CHAIRMAN MAMMINA: Good morning, ladies and gentlemen.
7 Welcome to the Town of North Hempstead Zoning Board of Appeal. What
8 we like to do in the beginning is if you've never been before a zoning
9 board before, I'm going to go through the way that we conduct
10 business. If you've been before a zoning board before but in a
11 different municipality, they may do things a little bit differently
12 than we do. I also like to say that, you know, we're here to help
13 on many levels to bring people along through their process.

14 What we will do is, as each case is called from the calendar,
15 our Secretary, Virginia Wagner, will do that, and then I will repeat
16 that, and then the applicant will come forward to the podium, as
17 everyone will. I will ask if there's anyone in the audience who would
18 like to speak either for an application or against an application,
19 and they will then be recognized after the presentation. There is
20 a three-minute time limit on that, and I also like to say, we don't
21 chop anybody's heads off at three minutes, but it's got a little bit
22 of limitation to it. So name and address will be given to our court
23 reporter, and at that point, the podium will belong to the applicant.

24 The applicant will put their case onto the record. The Board
25 will ask whatever questions we may have for them, and then assuming
26 that there are some other people that want to speak, just have a seat

1 anywhere, and then when the people speaking are done then the
 2 applicant gets the podium again so that they can either support or
 3 refute what anyone else said. The Board can ask additional
 4 questions, and at that point, then the hearing is done. So the only
 5 person that gets two turns at bat is the applicant because it's their
 6 application, and they get to put it on the record. They get to hear
 7 what people think, and then they get to speak again after that. As
 8 I said, for or against, so you might love an application, and you
 9 come up and say that you think it's great. You don't necessarily
 10 have to put everything on the record that somebody else said. You
 11 can just say I agree with the previous speaker, but I'd like to add
 12 this or that, and that's on both sides, either for or against.

13 With that said, just a couple more things. The way that this
 14 operates here and most other places, once that's done, there's no
 15 second hearings here. No third hearing. I know a lot of the
 16 villages I've gone to hearings as an architect; one I went 13 times,
 17 and then they denied it. As Mr. Alberto is shaking his head, but
 18 that's not typical.

19 I guess with that said, did I miss anything?

20 VICE CHAIRMAN FRANCIS: I don't think so.

21 CHAIRMAN MAMMINA: I think I got it all down. We try not to
 22 be super formal per se. Oh, I'll say one other thing. If you're
 23 against an application, you don't need to repeat what everybody said
 24 before. It doesn't become stronger if ten people stand up and say,
 25 and the buses come by all the time, and yes, a little league field
 26 is there because those are things that we go see the sites. We get

1 very detailed information from the office on every application.
2 We're all familiar with the Town of North Hempstead. You know,
3 that's one thing that's a credit to the Town Board is that they will
4 select zoning board members who are familiar with territories and
5 things, so. So we're not from villages. We were from the town. Not
6 that there's anything wrong with villages. I think that's all I
7 have.

8 VICE CHAIRMAN FRANCIS: We're still waiting.

9 MS. WAGNER: We're still waiting for our live stream to be up
10 and running. Just be patient for one minute.

11 (Whereupon, a discussion was held between Board Members.)

12 MS. WAGNER: Live stream starting now.

13

14 CHAIRMAN MAMMINA: We will call the first case. Ms. Wagner,
15 please call the case.

16 MS. WAGNER: Appeal #21706, Marie Nakos and Gil Tiamsic; 29
17 Essex Court, Port Washington; Section 5, Block 147, Lot 3, Zoned:
18 Residence C.

19 Variance from 70-101.B to construct a portico that is too close
20 to the street.

21 CHAIRMAN MAMMINA: You've heard Appeal #21706, Marie Nakos and
22 Gil Tiamsic. Is that okay? I'm a quarter Greek, so. According to
23 my ancestry. Please give your name and address.

24 MR. ALBERTO: Good morning. John Alberto, architect. 68
25 Highland Avenue, Port Washington.

1 Good morning, Chairman and Board Members. I'm here assisting
2 the owners of 29 Essex Court with this application. That would be
3 Marie and Gil Tiamsic. Marie's here with the newest addition to the
4 family. We're here for a front portico that projects into the front
5 yard setback.

6 CHAIRMAN MAMMINA: You know if you bring a baby, you're
7 automatically approved. So you may want to pass that around.

8 VICE CHAIRMAN FRANCIS: Pass the baby.

9 MEMBER DONATELLI: Mark it as Exhibit 1.

10 MR. ALBERTO: We're here for a proposed portico that is
11 20.35 feet to the front property line. I'm sorry. It's proposed
12 to be 17 feet, and the code is 20.35.

13 Now, in 2013, this Board approved a similar portico. I do have
14 photos I'd like to submit and eight copies.

15 MS. WAGNER: This will be Exhibit 1.

16 MR. ALBERTO: Virginia, this has been uploaded to the -- these
17 documents are also uploaded to the portal.

18 MS. WAGNER: Oh, so you already have them.

19 MR. ALBERTO: So in 2013, the Board approved a smaller portico
20 that was 17.7 feet front yard setback, and the produced is 17. It's
21 slightly larger. In fact, that was a very simple little overhang
22 with two rod iron columns. It was 3.3 by 5.4. It's really just to
23 block, you know, a little bit of the front door, but it wasn't very
24 architectural in any case.

25 The proposed is 4 foot out. So we want to go a few more inches
26 out, but it's wider. It's 10 feet wider. The reason for that is

1 it picks up the lines of the existing roof on that bump out where
2 the front door is. We think architecturally it's a better solution
3 in that it follows the existing roof line and decorative columns and
4 an arch. We think it's an improvement to what was approved, but we
5 do need a few more inches coming forward, and that's triggering this
6 variance request.

7 In terms of the five standards: Is there any undesirable change
8 to the neighborhood? Porticos are common in this area, and there
9 are many houses that have front yard setback deficiency. This is
10 kind of common. We don't think there'll be any undesirable effect
11 with this application.

12 Can the benefit be achieved by some other method? The answer
13 is, in fact, no. The house is presently nonconforming. That, in
14 fact, it's 21 feet, and no matter what you do, come forward, you're
15 gonna need a variance. So they have no choice to get a portico, which
16 everyone would like some kind of cover over the front door. They
17 have to be here for a relief.

18 Is it a substantial request? Well, this house, like I said,
19 is 21 feet. The neighbor to the west has a front yard of 21, 23.
20 To the east 24.15. There are three houses, two on each side are
21 nonconforming. So it's not substantial in regards to what's
22 happening on the block. It is an open structure. It's not solid.
23 It's just a roof with two columns, so it's not a substantial structure
24 in any case. We think it passes that test.

25 There are no environmental issues, and is it self-created?
26 Well, they didn't create that front yard deficiency. They bought

1 it that way, but, you know, that particular item shouldn't preclude
2 a granting of a variance. We think it's a good application. We
3 think it's an improvement.

4 There is in that package the existing house. They improved it
5 somewhat with new siding and interior work. They had permits for
6 that, and they would like to just add this little portico shown on
7 the last page in that packet.

8 MEMBER DONATELLI: Mr. Alberto, if I can just jump in for the
9 sake of clarity. So this is Residence C. The setback is the average
10 of 25.35; is that correct?

11 MR. ALBERTO: Correct.

12 MEMBER DONATELLI: And which would mean that the five-foot
13 encroachment for a portico would be 20.35, and the applicant is
14 requesting a proposed front yard setback to the portico at 17; is
15 that correct?

16 MR. ALBERTO: Correct. That would be the face of the portico.

17 MEMBER DONATELLI: So it's basically a variance of 3.35 feet
18 from what would otherwise be required by law?

19 MR. ALBERTO: Correct.

20 MEMBER DONATELLI: And the portico, as it existed, was approved
21 in 2013. We've taken down that portico, and now we're proposing to
22 build a new portico as for your plans, which is just .7 feet more
23 than what was previously approved by that Board.

24 MR. ALBERTO: That is correct.

25 MEMBER DONATELLI: Do any of the other members of the Board have
26 any questions?

1 CHAIRMAN MAMMINA: The only other thing that I'd like to
2 potentially put forward is that there is a curve in the street as
3 well, so that's -- I mean, if you were coming from, I guess, from
4 the north it will visually be setback a little bit more than that,
5 and actually it's almost 4 feet. I mean, it does offer some
6 uniqueness to this piece of property. I do think the fact that it
7 is open on both sides is otherwise de minimis.

8 MEMBER DONATELLI: And that's always important to us, whether
9 or not it's enclosed porch or open portico that's certainly part of
10 our consideration.

11 If none of the other Board Members -- I would also note that
12 why we are not an architectural board that it certainly does work
13 to improve the aesthetic look of the structure.

14 So Mr. Chairman, unless the -- were there any members of the
15 public who had comments?

16 CHAIRMAN MAMMINA: No.

17 MEMBER DONATELLI: I make a motion that we grant the
18 application.

19 CHAIRMAN MAMMINA: We have a motion by Member Donatelli.

20 VICE CHAIRMAN FRANCIS: Second.

21 CHAIRMAN MAMMINA: Second by Vice Chairman Francis. Please
22 poll the Board.

23 MS. WAGNER: Member Hernandez?

24 MEMBER HERNANDEZ: Aye.

25 MS. WAGNER: Member Goodsell?

26 MEMBER GOODSSELL: Aye.

1 MS. WAGNER: Member Donatelli?

2 MEMBER DONATELLI: Aye.

3 MS. WAGNER: Vice Chairman Francis?

4 VICE CHAIRMAN FRANCIS: Aye.

5 MS. WAGNER: Chairman Mammina?

6 CHAIRMAN MAMMINA: Aye. Application is granted. Good luck.

7 MR. ALBERTO: Thank you have a good day.

8

9 MS. WAGNER: Appeal #21707, Matthew Gammons; 21 Park Avenue,
10 Port Washington; Section 6, Block 2, Lot 271; Zoned: Residence C.

11 Variances from 70-100.1.A and 70-100.1.B to legalize a carport
12 attached to a nonconforming detached garage that is located in the
13 front yard (not permitted) and to legalize a shed attached to a
14 nonconforming detached garage that is located too close to the rear
15 property line.

16 CHAIRMAN MAMMINA: You heard Appeal #21707, Matthew Gammons.
17 Is there anyone in the room interested in the application other than
18 the applicant? Seeing no one, please give your name and address.

19 MS. LOWE CHIANESE: Good morning. My name is Ashley Lowe
20 Chianese from Mark Anthony Architects. Our office is located at 1563
21 Bellmore Avenue in Bellmore, New York. I'm here this morning on
22 behalf of our clients Matt and Debbie Gammons, who are the owners
23 and the occupants of the subject property located at 21 Park Avenue
24 in Port Washington. This property is located in a Residence C zone,
25 and we're here today as a result of an application to maintain an
26 existing carport and a shed attached to a framed garage, as well as

1 an existing AC unit, and a proposed deck, which were filed with the
2 Building Department.

3 Just for the record, I did provide two neighbor letters of
4 support to Mr. Steve Perrotta. The most important of which is from
5 Anton and Jessica Gepping, located at 20 Bar Beach Road, who is the
6 neighbor most affected by structures on the north side of the property
7 line, and then another letter from Irene Jacobson, who is located
8 at 20 Park Avenue, which is facing the subject property.

9 The attached said structure is located in the rear yard, which
10 is 1.9 feet from the north side property line, where 3 feet is required
11 for which we are requesting relief of 1.1 feet.

12 Additionally, the carport is located in front yard along Orchard
13 Street, where is required to be located in the rear of the property.
14 Well, the carport is located behind the house, or theoretically in
15 the rear of the dwellings. Since this is a corner property, it is
16 considered to be in the second front yard along Orchard Street, so
17 we were looking for relief to be able to maintain the carport in the
18 existing location.

19 Since both of these requests are for existing items, there will
20 not be an undesirable change to the neighborhood or affect the nearby
21 properties in any way, since there will be no changes to what
22 currently exists. The only proposed work that is being completed
23 is a proposed deck, which is not visible from the street, nor will
24 it impact any of the nearby properties.

25 As I mentioned earlier, we do have a letter of support from the
26 property that's most affected, so it will not have a negative effect

1 on the environment. There will be not be anything new introduced.
2 The homeowners are simply removing one deck, which is 575 square feet
3 and putting up a new deck that will be 303 square feet, and the other
4 items are to remain as is.

5 Their request for relief was not of the homeowners doing or
6 self-created. They purchased the property in April of 2020 during
7 the height of COVID, and these items have existed for a long time.

8 CHAIRMAN MAMMINA: It's still self-created because they
9 purchased the property. Almost everything is self-created, but that
10 doesn't mean that it's treated any different.

11 MEMBER GOODSSELL: In their defense, if they bought the property
12 on record, they would see that the garage was built before the
13 property tax card was even created.

14 MS. LOWE CHIANESE: Yes.

15 MEMBER GOODSSELL: It's a question mark next to the age.
16 Somebody created this, but it's clearly not your clients.

17 MS. LOWE CHIANESE: Yes, thank you. It would be cost
18 prohibited to relocate these items, and the property itself doesn't
19 allow for the items to be located in many places other than behind
20 the dwelling, even though it's not technically considered the rear
21 of the property.

22 Lastly, there are no substantial requests being made at this
23 time. All the requests for relief are under 50 percent. These are
24 the requests, and I'll be happy to answer any questions.

25 MEMBER DONATELLI: I have a question. Do you know how long the
26 carport has been there?

1 MS. LOWE CHIANESE: I do not.

2 MEMBER DONATELLI: Do we have -- does your client -- it was there
3 when your client purchased the property?

4 MS. LOWE CHIANESE: Yes. It was there before the previous
5 owner purchased it as well, because we did speak to the previous
6 owner.

7 MEMBER DONATELLI: Do you have any prior surveys that show when
8 the carport may have been put in there?

9 MS. LOWE CHIANESE: I don't.

10 MEMBER DONATELLI: Because I'm quite familiar with the area.
11 I actual don't live very far at all from that, so I pass it quite
12 often.

13 MS. LOWE CHIANESE: Okay.

14 MEMBER DONATELLI: And I understand that the garage is
15 pre-existing nonconforming, but the carport seems to me was built
16 long after the garage was built. I mean, I couldn't begin to guess.
17 I certainly would think it was built after the code was put in effect.
18 Corner houses do present issues because, of course, they do have two
19 front yards. I understand that, but this carport -- let me withdraw
20 that.

21 I see that your client also has a garage. Does your client use
22 the garage for parking?

23 MS. LOWE CHIANESE: Yes, they have multiple cars, so, yes, they
24 use both. They use the garage for the car and for storage.

25 MEMBER DONATELLI: So is it used for both?

26 MS. LOWE CHIANESE: Yes.

1 MEMBER DONATELLI: Meaning, storage, and storage for cars and
2 other things?

3 MS. LOWE CHIANESE: Well, they think they can fit the car -- from
4 when I was there, they can fit the car, and then on the outskirts
5 of the garage, they can fit -- I saw some like lawn equipment, outdoor
6 equipment, you know, around the outskirts of the car.

7 MEMBER DONATELLI: What do they put in the carport?

8 MS. LOWE CHIANESE: They have more than one car, so one goes
9 in the garage, and then one goes in the carport.

10 MEMBER DONATELLI: I mean, I saw at one point on Google Earth,
11 I saw that there was a sailboat that was parked under the carport.

12 MS. LOWE CHIANESE: There wasn't a sail --

13 MEMBER DONATELLI: I don't know if that's routine or not, but
14 that is what comes up when you take a look at Google Earth.

15 MS. LOWE CHIANESE: Okay. There wasn't a sailboat when I was
16 there any of the times I was there, but to my knowledge, it wasn't
17 there. When we discussed it, he did say that he does put one car
18 in each location.

19 MEMBER HERNANDEZ: There is also a shed behind the framed
20 garage, I guess, that needs to be legalized?

21 MS. LOWE CHIANESE: Yes. It was added to the application after
22 the proposed deck was filed for. The homeowners were not aware that
23 they needed to legalize anything until they put the application in
24 for the proposed deck.

25 MEMBER DONATELLI: The shed is supposed to have a 3-foot
26 setback, and naturally, it has a 1.9 setback.

1 MEMBER HERNANDEZ: Right.

2 MEMBER DONATELLI: I would just like to get back to the carport
3 for a moment. We have been asked from time to time to examine the
4 setback for a shed, and really the thought of a setback for a shed
5 is that the Town wants to make sure that any land behind the accessory
6 structure, in this case a shed, any land can be mowed or tended to
7 in some way; somebody has access back there. From time to time, I
8 know that we, this Board, has granted some variances because we still
9 feel because of a configuration of a particular property, perhaps
10 because the size of lot that we granted those variances. So as one
11 Board Member, I'm a little bit less concerned with the 1.1-foot
12 variance for the setback of the shed, but, I mean, as one Board Member,
13 I'm mainly concerned about the existence of the carport.

14 I find when I did pass by the property, I find it looms large
15 over the secondary front yard. I don't know if any Board Members
16 have questions, but Mr. Chairman, I think that I'd like a chance to
17 really consider the application because I'm skeptical as to that part
18 of the application, and let me indicate why.

19 (Whereupon, a discussion was held between Board Members.)

20 MEMBER DONATELLI: I don't see any other structures within the
21 immediate area that resemble anything like this carport. I know that
22 there are many garages in the area that appear here because, as I
23 said, that part of the code and this part of the park section may
24 have been built a very long time ago so that it may very well predate
25 the code, but I don't see many carports similarly situated that are
26 attached to the garage, and --

1 MEMBER GOODSSELL: They're just not that common here.

2 VICE CHAIRMAN FRANCIS: No.

3 MEMBER GOODSSELL: I married somebody from North Carolina.

4 Everybody down there has a carport. If for nothing else for the
5 shade.

6 MS. LOWE CHIANESE: Yeah.

7 MEMBER GOODSSELL: Because it's very hot down there, but we just
8 don't see many of them. Do your clients have any evidence, any
9 indications how old that carport is?

10 MS. LOWE CHIANESE: No, we did ask if we could speak to the prior
11 owner, and the prior owner said it existed when they were there.

12 MEMBER GOODSSELL: Are they long-time prior owners?

13 MS. LOWE CHIANESE: They owned the house, I believe, for
14 20 years prior to the Gammons, who purchased it five years ago.

15 CHAIRMAN MAMMINA: Also, I could be incorrect, but as I see two
16 construction types here that appear to conflict with each other.
17 When I say conflict, I don't mean it as a negative thing. When I
18 look at the last photo and the property, almost looks like at the
19 leeward side from the street it's made of stone, and I'm wondering
20 if at one time, especially based on where I would guesstimate the
21 age of the carport structure to be, but that might have just been
22 a flat area, you know, in there that somebody parked a car on because
23 of contour of the grade, but did not have that cover on it.

24 MEMBER DONATELLI: I would just note I understand that your
25 client would need additional parking in particular the garage is
26 small, but I would just indicate that even without the carport

1 structure, the roof structure, that the structure, the stone
2 structure that the Chairman is referring to will still be a parking
3 spot for the car.

4 VICE CHAIRMAN FRANCIS: That's correct.

5 MS. LOWE CHIANESE: I did speak to the client regarding the
6 carport and whether -- 'cause like you said, there're not a lot of
7 carports when we drove around, myself and the architect, and we did
8 not see many in the neighborhood as well. I did speak to the owner
9 in regards to the carport. I don't think he will have a problem
10 removing it. That was something that we discussed. Obviously, if
11 we could keep it, he'd love to keep it, but if it hinders the
12 application then I don't think he'll have a problem taking it down.
13 Like you said, he would still be able to park without the roof being
14 there.

15 MEMBER DONATELLI: As one Board Member, I would suggest that
16 if the applicant is willing to withdraw that part of the application
17 that pertains to the carport, then that will be very helpful, and
18 as one Board Member, I would then be prepared to grant the balance
19 of the application.

20 CHAIRMAN MAMMINA: Because I see it no different than a two-car
21 driveway.

22 MEMBER DONATELLI: Exactly.

23 DEPUTY TOWN ATTORNEY ALGIOS: Well, they're not here. They
24 would have to then, I guess, we would do a second call. She can either
25 go out in the hall and call their client, or we can deny that part
26 of the variance.

1 MEMBER DONATELLI: We can deny that part of the variance.

2 MS. LOWE CHIANESE: They did give me permission to act on their
3 behalf. They couldn't be here this morning, so they did tell me that
4 if that was the way out -- they didn't want to have to come back twice.

5 VICE CHAIRMAN FRANCIS: Deny part and grant part.

6 MS. LOWE CHIANESE: But I can step out and call if that's what
7 makes you guys feel better?

8 MEMBER DONATELLI: I'm sorry?

9 MS. LOWE CHIANESE: I can step out. He's available for me to
10 call. The homeowner, Matt. If you'd like me to -- whatever's
11 easier.

12 MEMBER DONATELLI: Okay, if you'd like to --

13 MS. WAGNER: Why don't we let them do that and come back.

14 CHAIRMAN MAMMINA: Why don't we let them do that and do a second
15 call, which just basically means wherever we are in the order, you
16 don't have to wait until the very end.

17 MEMBER DONATELLI: Yeah.

18 MS. LOWE CHIANESE: Fair enough. Thank you.

19

20 MS. WAGNER: Appeal #21708, Itzchak Zivari; 32 Farm Lane,
21 Roslyn Heights; Section 7, Block 164, Lot 7; Zoned: Residence AA.
22 Variance from 70-100.2(I) to install pool equipment in a side
23 yard (not permitted).

1 CHAIRMAN MAMMINA: You heard Appeal #21708, Itzchak Zivari.
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. MALLIA: Good afternoon, Ladies and Gentlemen of the Board.
5 My name is Michael Mallia, architect. 499 Jericho Turnpike,
6 Mineola, and I'm here today to seek relief for Mr. Itzchak Zivari,
7 32 Farm Lane, Roslyn Heights, Section 7, Block 164, Lot 7, zoned as
8 a Residence AA.

9 We're seeking a variance from section 70-100.2(I) to install
10 pool equipment in the side yard which is not permitted.

11 Currently, the homeowner has his pool equipment right -- located
12 right here. This is his living room that looks out into the back
13 yard. We want to take the pool equipment and tuck it back right up
14 against his house. It has four pieces of equipment; a pump, a blower,
15 a filter, and a heater. They're small pieces of equipment, and then
16 they tuck it right up to his house. He's got letters of support for
17 the application, and this neighbor is the corner house, so this is
18 the neighbor's backyard. It's almost 40 feet from that equipment
19 to the neighbor. We have letters of support for all the neighbors
20 around the house and across the street. Seven approvals -- I mean
21 supports.

22 The conditions will not create an undesirable change to the
23 character of the neighborhood. It's not visible from the street or
24 the surrounding neighbors' properties.

25 The benefit the applicant which he pursues his minimal.
26 Without it, the homeowner would be subject to the equipment in the

1 most usable and pristine portion of his rear yard.

2 The request is not substantial. Installation is small energy
3 efficient pool equipment, and timers that run during daylight hours
4 and tucked away in the backyard of the house.

5 If granted, the proposed variance will have no adverse or impact
6 of the physical environment condition of the neighborhood.

7 Although it's self-created, this variance is in line with
8 similar requests granted by the town. The request is minor, and will
9 benefit the overall enjoyment and the usability of the rear yard for
10 the homeowner.

11 MEMBER GOODSSELL: Mr. Mallia, if I could interrupt you for a
12 second?

13 MR. MALLIA: Sure.

14 MEMBER GOODSSELL: In all the applications that we've had, I'm
15 the newest member of the Board.

16 MR. MALLIA: Right.

17 MEMBER GOODSSELL: And all the applications we've had on pool
18 equipment, I've never seen pool equipment so far away from the actual
19 pool.

20 MR. MALLIA: Right.

21 MEMBER GOODSSELL: It can function being that far away?

22 MR. MALLIA: Yes.

23 MEMBER GOODSSELL: I am surprised.

24 VICE CHAIRMAN FRANCIS: I have a question about the shrubbery
25 that's proposed to be planted in front of the pool equipment.

26 MR. MALLIA: Yeah.

1 VICE CHAIRMAN FRANCIS: First, what type shrubbery, and how
2 high do you envision that shrubbery is going to be.

3 MR. MALLIA: Well, I would assume they're gonna put out
4 arborvitaes there.

5 VICE CHAIRMAN FRANCIS: Okay, and to the extent that it will
6 grow -- I mean arborvitaes can grow ten, 12, 15 feet.

7 MR. MALLIA: Sure. Right.

8 VICE CHAIRMAN FRANCIS: To the extent it grows that high, I
9 would like to see that that happen.

10 MR. MALLIA: Yeah.

11 VICE CHAIRMAN FRANCIS: To block that even more in terms of the
12 noise, even though the most affected neighbor is not really --

13 MR. MALLIA: Right, and these are all high efficiency. We
14 selected all this equipment based on how quiet they are.

15 VICE CHAIRMAN FRANCIS: The noise. Right. That's good.

16 MEMBER DONATELLI: I would like to put my comments on the
17 record. We're required by law, of course, to weigh the Five Factors
18 as we look at each application, and we try to be fair, but, in my
19 mind, sometimes, it's a very difficult balancing act that we do. We
20 have to be mindful of the fact that the Town Board is the legislation
21 body that enacts these regulations, and that I don't feel comfortable
22 as one Board Member granting variances unless there is some rationale
23 or that something as to the applicant's status, or something as to
24 the uniqueness of the property because, otherwise, what would occur
25 to distinguish this property from any other property that come along.

26 VICE CHAIRMAN FRANCIS: No, absolutely.

1 MEMBER DONATELLI: We might individually agree that it might
2 be a very nice amenity, but that doesn't give us the right override
3 the desires of the Town Board in my mind.

4 VICE CHAIRMAN FRANCIS: Yeah.

5 MEMBER DONATELLI: I think we need to be cautious of that.

6 VICE CHAIRMAN FRANCIS: That's a good point.

7 MR. MALLIA: If I could just interject a moment. The section
8 that he quoted for that's making us come for this variance, I disagree
9 with him that this equipment is not allowed that. He's citing where
10 the fence enclosures would be in these, but if you go to Section 5
11 of the 70.100, "An in-ground swimming pool or any kind of equipment
12 shall be no closer to the rear and side property lines than 10 feet
13 from the minimum side yard setback required into residential
14 structure in a residential district, whichever is more restrictive."
15 That should be the section that dictates whether this equipment is.
16 It's not the fence enclosure, which he sited in the omission.

17 CHAIRMAN MAMMINA: The fence enclosure -- I don't see a fence
18 enclosure at the --

19 MR. MALLIA: Yeah, that's --

20 CHAIRMAN MAMMINA: At the equipment. That doesn't mean that
21 your point is not correct. Well taken, and the Building Department
22 people read things in a certain way. That's why we're here.

23 MR. MALLIA: Okay, and that's, you know, I was not trying to,
24 you know.

25 CHAIRMAN MAMMINA: You have to put your case on the record.

26 MR. MALLIA: Okay.

1 CHAIRMAN MAMMINA: That's your job.

2 VICE CHAIRMAN FRANCIS: Let's discuss why it can't be put in
3 a compliant area.

4 MR. MALLIA: Well, I think it is. That's what I'm saying. I
5 think the Plans Examiner cited a section of the code that doesn't
6 pertain. He cited a fence enclosure.

7 VICE CHAIRMAN FRANCIS: But you're not asking us to make a
8 determination the Planners Examiner is wrong and you're right.

9 MR. MALLIA: Okay.

10 DEPUTY TOWN ATTORNEY ALGIOS: I think he is.

11 CHAIRMAN MAMMINA: I think that's what he's saying now.

12 VICE CHAIRMAN FRANCIS: Okay, all right.

13 MR. MALLIA: I mean, if you need that section, I have it here
14 if you want to read it. I think he --

15 VICE CHAIRMAN FRANCIS: I'm bringing it up now.

16 MS. WAGNER: He's referring back to another section of the code.

17 MR. MALLIA: Right.

18 MS. WAGNER: Because he's saying that -- he gets back a
19 disapproval. I believe what he's saying is --

20 MEMBER HERNANDEZ: About the pool equipment should be in the
21 rear yard.

22 MS. WAGNER: Referring to 100 point --

23 MEMBER HERNANDEZ: .2(I).

24 DEPUTY TOWN ATTORNEY ALGIOS: 100.2(I).

25 MS. WAGNER: Right, but doesn't that refer back to 100.1?

26 CHAIRMAN MAMMINA: If you have that section and you want to hand

1 it up, that would be fine.

2 MR. MALLIA: Sure. The one in brackets is the section he cited,
3 and this is the section that I think is correct.

4 CHAIRMAN MAMMINA: Did you have the discuss with the Plans
5 Examiner?

6 MR. MALLIA: Yes.

7 CHAIRMAN MAMMINA: That's all right. That's his job. That's
8 your job.

9 MS. WAGNER: This will be Exhibit 1.

10 MEMBER GOODSELL: So follow up on Mr. Francis' comment. I have
11 the same diagram up on my computer so that I can actually read.
12 Unfortunately, these are my best reading glasses, I can't quite read
13 that from this distance, but there is currently pool equipment in
14 a compliant location in the rear yard.

15 MR. MALLIA: That's correct.

16 MEMBER GOODSELL: Which the applicant is looking to relocate.

17 MR. MALLIA: Correct.

18 MEMBER GOODSELL: Is that correct?

19 MR. MALLIA: Yes.

20 MEMBER GOODSELL: And Mr. Francis was, well, why can't it be
21 put in a compliant position? Your response is the wrong section of
22 the code, not the position itself. The wrong section of the code
23 was used in the denial; is that correct?

24 MR. MALLIA: I didn't want to go that route, but yes.

25 MEMBER GOODSELL: You did or did not want go that route?

26 CHAIRMAN MAMMINA: You are entirely allowed to go that route.

1 MR. MALLIA: Okay.

2 CHAIRMAN MAMMINA: That's your job as well, and that's okay.

3 I get it. I like to, in my opinion as an architect, if you are
4 correct, the Building Department should not take that personally.

5 MR. MALLIA: Okay.

6 (Whereupon, a discussion was held between Board Members.)

7 DEPUTY TOWN ATTORNEY ALGIOS: So the section that the Plans
8 Examiner cited to refers back to Section 100(A) through (G). The
9 requirements of (A) through (G), and if you look at (A), it says
10 accessory structures shall be located in the rear yard.

11 VICE CHAIRMAN FRANCIS: Correct.

12 MEMBER GOODSELL: Where they're currently located.

13 MR. MALLIA: That section --

14 DEPUTY TOWN ATTORNEY ALGIOS: Can you just go to the mic?

15 MR. MALLIA: Okay. This section about the pool says the
16 equipment, the mechanical equipment, should be located in the rear
17 or side yard within 10 feet of the property line, and that's what
18 that section says.

19 CHAIRMAN MAMMINA: It says or the required setback.

20 MR. MALLIA: Right.

21 CHAIRMAN MAMMINA: So this is in a Residence A? Double A.

22 MR. MALLIA: Double A, yeah.

23 CHAIRMAN MAMMINA: So I think the required side yard setback --

24 MR. MALLIA: Is 15 feet.

25 CHAIRMAN MAMMINA: -- is 15.

26 MR. MALLIA: And this is further back than 15.

1 MEMBER GOODSSELL: It's 15.21.

2 MR. MALLIA: Right.

3 CHAIRMAN MAMMINA: I see that hash line in the front of the piece
4 of equipment. All right. I didn't -- it's actually on both sides.
5 So the face of the equipment is 15.2.

6 MR. MALLIA: That's correct.

7 CHAIRMAN MAMMINA: I wasn't reading the dimension. So he'd be
8 relocating it to there?

9 MR. MALLIA: Yes.

10 CHAIRMAN MAMMINA: So he's moving it in an effort --

11 MR. MALLIA: He would like to.

12 CHAIRMAN MAMMINA: -- to comply in your opinion.

13 MR. MALLIA: Yes.

14 (Whereupon, a discussion was held between Board Members.)

15 MEMBER HERNANDEZ: Just out of curiosity. It appears that from
16 the plan, you are also relocating other equipment to make room for
17 this equipment?

18 MR. MALLIA: That's correct.

19 MEMBER HERNANDEZ: Okay. Just making sure I understand your
20 plans.

21 CHAIRMAN MAMMINA: I think what the Board is going to do on this
22 in order for maximum equity for your client and for us as well to
23 make sure we make the right decision, we're going to reserve the
24 application.

25 DEPUTY TOWN ATTORNEY ALGIOS: Yes, that's fine. So I think
26 what it's saying is the section that you highlighted relates to

1 setbacks.

2 MR. MALLIA: Correct.

3 DEPUTY TOWN ATTORNEY ALGIOS: So what they're saying is that
4 the pool and mechanic equipment shall be located no closer to the
5 rear and side property line than 10 feet because pool equipment in
6 the rear often times it's behind the house. You have a side. You
7 still have a side yard.

8 MR. MALLIA: Right.

9 DEPUTY TOWN ATTORNEY ALGIOS: So even though it's in the rear,
10 they don't want it closer to your side yard setback than 10 feet.
11 That's all that's referring to. It's not saying you can put the
12 equipment in the side yard.

13 MR. MALLIA: Or required setback, so I --

14 DEPUTY TOWN ATTORNEY ALGIOS: You understand what I'm saying?
15 So one is location, and one is setback, so that's what that references
16 to. It's in the setback section and it's talking about how close
17 it can be to your side property and your rear property, but where
18 it could be located, it very clearly says it has to be in the rear
19 yard.

20 CHAIRMAN MAMMINA: I think that the Board would like to reserve
21 it, so that we can read it and be certain for all identification.
22 I understand what counsel is saying. I'm not sure if I understand
23 yet, not that you did a bad job. I don't mean it that way, but just
24 doing an informal polling of the Board we'd like to hold this --

25 DEPUTY TOWN ATTORNEY ALGIOS: You want to ask if there's any
26 other location?

1 MEMBER GOODSSELL: It's in a compliant location right now.

2 VICE CHAIRMAN FRANCIS: It's in compliant now, yeah.

3 MEMBER GOODSSELL: The pool equipment according to the plans
4 submitted is in a compliant location.

5 DEPUTY TOWN ATTORNEY ALGIOS: But why can't they keep it there?

6 MEMBER GOODSSELL: Well, that's what we're asking.

7 DEPUTY TOWN ATTORNEY ALGIOS: Let's get all the information on
8 the record now.

9 MR. MALLIA: Can I --

10 MS. WAGNER: Give your name and address.

11 CHAIRMAN MAMMINA: Please give your name and address.

12 MR. ZIVARI: Good morning. My name is Itzchak Zivari. I'm the
13 owner of 32 Farm Lane, Roslyn Heights, New York.

14 VICE CHAIRMAN FRANCIS: Okay.

15 MR. MALLIA: You want to explain?

16 MEMBER GOODSSELL: Your pool equipment -- your house is
17 beautiful.

18 MR. ZIVARI: It was approved later in the middle of the backyard
19 away from the structure. It was not a benefit at the beginning, but
20 later when the contractor started building and placing it, it's right
21 in front of the door that opens up from the library where we are
22 sitting and covers everything. Right now, I have three small air
23 conditioning units where it's on the side of the building, and that's
24 the proposed is this. To move them to a smaller place further away
25 and open up this space. This space has a depth of almost 6 feet behind
26 the column. Cannot be seen from outside, from the neighbors at all,

1 and it's right against the property -- against the building. It's
2 covered. The 17 feet almost from the fence, from the property line.
3 Mr. Patel, which is the next-door neighborhood has the backyard of
4 the minimum of 30-foot setback, so it makes almost 40 feet away from
5 him with a very high efficiency unit.

6 CHAIRMAN MAMMINA: Understand that that's --

7 MEMBER GOODSELL: That's good.

8 CHAIRMAN MAMMINA: -- great that you have that there, and it
9 is something that we can consider, but we need to -- because the next
10 person might not have that. We need to be able to separate this
11 completely, or for my own satisfaction, I would like to read those
12 sections and just make sure that either I agree or I disagree with
13 that -- what you're saying.

14 DEPUTY TOWN ATTORNEY ALGIOS: I also think you have a very large
15 area around the pool that's still in your rear yard. I think you
16 need to explain to the Board why there's no other suitable location
17 in any of that large area that's compliant that would be suitable
18 to relocate the equipment to.

19 MR. MALLIA: He's got a beautiful manicured backyard. To have
20 this equipment -- I mean, that's it -- it's tucked away. It's the
21 least obstructive place. Put back in the rear yard.

22 DEPUTY TOWN ATTORNEY ALGIOS: Well, what about to the right?
23 To the right.

24 VICE CHAIRMAN FRANCIS: Closer to the pool.

25 DEPUTY TOWN ATTORNEY ALGIOS: Yes, that whole area there is
26 considered a rear yard.

1 MR. MALLIA: This is all -- this is a big fence.

2 DEPUTY TOWN ATTORNEY ALGIOS: So you need to put that on the
3 record as to why it can't go in that location. Can you please go
4 to the mic, so the stenographer can hear?

5 MR. MALLIA: It's a paved deck on that side of the house.

6 MS. WAGNER: Just speak on the mic because there are also others
7 listening that can't hear.

8 MR. MALLIA: It's a paved deck on the right side of the house,
9 and that's where the table and chairs are located over there.

10 MEMBER DONATELLI: I think it might be helpful. Just to be
11 clear. Your application was presented to us as an application for
12 a variance, but what you're really doing is you're asking for relief
13 in the alternative. You're either asking for a determination that
14 the Building Department was incorrect in its analysis, or in the
15 alternative, if it was correct in its analysis, you're requesting
16 a variance from this Board.

17 MR. MALLIA: Correct.

18 MEMBER DONATELLI: So I think what counsel is requesting is if
19 you want to -- I mean certainly we'll deal with the request for a
20 determination. I think as the chairman said we would all benefit
21 from careful reviewing of the code and seeing exactly how we should
22 interpret that, but I think for your benefit, it might be good for
23 you to go through the Five Factors if you are requesting a variance,
24 so that at least you have those on the record.

25 MR. MALLIA: Okay, thank you. I have them. So the first is
26 that it will not create an undesirable change to the character of

1 the neighborhood. This equipment is tucked away behind the house.
2 It's not visible from the street, from any of the neighbors. We have
3 supporting letters from all neighbors that support the application.

4 The benefit the applicant wishes to pursue is minimal. It's
5 relocating the equipment a few feet away into the side yard. Without
6 them it will cause the homeowner to be subject to the equipment in
7 the most usable and pristine portion of his rear yard.

8 Number three, the request for the variance is not substantial.
9 Compared to other cases you have on the document today, I think this
10 is the least substantial; just moving some equipment. The proposed
11 insulation of small energy efficient pool equipment on timers that
12 run during the daytime hours and are tucked away in the back corner
13 of the house shielded by shrubbery.

14 The fourth is, if granted the proposed variance will have no
15 adverse effect or impact on the physical or environmental conditions
16 of the neighborhood. It's just pool equipment being relocated.

17 Although it's self-created, this variance is in line of similar
18 requests granted by the Town. The request is minor, and the benefit
19 of the overall enjoyment and usability for the rear yard for the
20 homeowner.

21 MEMBER GOODSSELL: I think we will take all of that under
22 consideration.

23 MR. MALLIA: Okay.

24 MEMBER GOODSSELL: But, again, we understand that this is what
25 your client would like.

26 MR. MALLIA: Right.

1 MEMBER GOODSSELL: Right. We go back to the original question,
2 though. It is currently in a compliant position. Are there no other
3 compliant positions to put the pool equipment? This answer seems
4 to be no because your client does not want to visually put them there.

5 MR. MALLIA: Correct.

6 MEMBER GOODSSELL: So this is an aesthetic application.

7 MR. MALLIA: Yes.

8 MEMBER GOODSSELL: Thank you.

9 CHAIRMAN MAMMINA: Okay. We'll reserve the application.

10 MR. MALLIA: Thank you very much.

11 MEMBER HERNANDEZ: Thank you.
12

13 MS. WAGNER: We're going to do a second call for that prior
14 appeal.

15 Appeal # 21707, Matthew Gammons; 21 Park Avenue, Port
16 Washington; Section 6, Block 2, Lot 271; Zoned: Residence C.

17 Variances from 70-100.1.A and 70-100.1.B to legalize a carport
18 attached to a nonconforming detached garage that is located in the
19 front yard (not permitted) and to legalize a shed attached to a
20 nonconforming detached garage that is located too close to the rear
21 property line.

22 CHAIRMAN MAMMINA: So I guess the question is, is your client
23 willing to take the roof and other structure off of the portico?

24 MS. LOWE CHIANESE: Yes, I did speak with Mr. Matthew Gammons,
25 who's the homeowner. He said he had no problem taking the roof off.

1 He just wanted, which I believe you said was no problem, to make
2 sure that he will still be allowed to park on the stone structure,
3 and he didn't have to remove the stone structure, but removing the
4 roof is no problem.

5 MEMBER DONATELLI: So removing the carport you mean.

6 MS. LOWE CHIANESE: So you mean the railing and everything
7 around?

8 MEMBER DONATELLI: Right.

9 MS. LOWE CHIANESE: Yes, he just wanted to make sure he didn't
10 have to remove the stone.

11 MEMBER DONATELLI: I'm sorry, what was that?

12 MS. LOWE CHIANESE: He just wanted to make sure he didn't have
13 to remove the stone, but he's aware of everything else.

14 VICE CHAIRMAN FRANCIS: Or the steps.

15 MS. LOWE CHIANESE: Yes.

16 MEMBER HERNANDEZ: That's fine.

17 (Whereupon, a discussion was held between Board Members.)

18 MEMBER DONATELLI: Thank you for that. We are concerned with
19 whether or not the Building Department might require some kind of
20 a railing for where the cars currently park because there is a drop
21 off there.

22 MS. LOWE CHIANESE: Yes. So they have the stairs right here.
23 That was going to be my next question. I believe you guys should
24 have this. These are the photos that were uploaded. The last photo,
25 it shows a set of stairs that kind of lead down from the carport.
26 I guess it'll be up to the Building Department whether or not those

1 need to be removed?

2 MEMBER DONATELLI: Right, and you're gonna want to verify with
3 them as to what the requirements are.

4 MS. LOWE CHIANESE: Okay.

5 MEMBER DONATELLI: But there's no railing there now anywhere;
6 is that correct?

7 MEMBER HERNANDEZ: No, there is a railing.

8 MS. LOWE CHIANESE: No, there is.

9 MEMBER DONATELLI: Oh, there is. Thank you for amending the
10 application to such that we're --

11 DEPUTY TOWN ATTORNEY ALGIOS: I'm sorry, Dan. So maybe the
12 cleanest way to do it is grant it with the condition that the roof
13 be removed because that way there's no question as far as the concrete
14 platform and the railing and the stairs.

15 MEMBER DONATELLI: That's properly the easiest solution for you
16 as far as the Building Department is concerned.

17 MS. LOWE CHIANESE: Awesome. Thank you. I appreciate that.

18 MS. WAGNER: So it will be as amended.

19 MEMBER DONATELLI: As amended.

20 CHAIRMAN MAMMINA: Right. Approved as amended.

21 MS. LOWE CHIANESE: Do you guys need updated plans showing that
22 the roof will be removed?

23 MS. WAGNER: Maybe we should.

24 MEMBER GOODSSELL: I don't think so. We're simply denying that
25 portion.

26 CHAIRMAN MAMMINA: You're gonna go to the Building Department

1 anyway.

2 MS. LOWE CHIANESE: It can't hurt.

3 MEMBER DONATELLI: I think we can make an application subject
4 to just the roof of the carport being removed.

5 DEPUTY TOWN ATTORNEY ALGIOS: Subject to the condition of the
6 roof --

7 MS. WAGNER: Okay, that's up to you.

8 CHAIRMAN MAMMINA: Then we'll have to get approved from the
9 Building Department for added protection, and that sort of --

10 VICE CHAIRMAN FRANCIS: The roof is what makes it a carport,
11 though.

12 MEMBER DONATELLI: But if we remove the roof --

13 MEMBER HERNANDEZ: Then it's no longer a carport.

14 VICE CHAIRMAN FRANCIS: Yeah.

15 MS. WAGNER: We don't know if the other structures might be
16 included.

17 MEMBER HERNANDEZ: They didn't cite. They didn't quote them.
18 They didn't say anything about the railing.

19 MS. WAGNER: They didn't, but.

20 MEMBER HERNANDEZ: All they said was the carport.

21 VICE CHAIRMAN FRANCIS: Or the stairs.

22 MEMBER DONATELLI: Yeah.

23 MEMBER HERNANDEZ: Well, you need to have them or otherwise
24 you're gonna have to jump 5 feet up in the air to get in the parking
25 space or jump down.

26 CHAIRMAN MAMMINA: You're either gonna have to come from the

1 street or up those stairs.

2 VICE CHAIRMAN FRANCIS: Yeah.

3 MEMBER HERNANDEZ: The carport is the roof.

4 MS. WAGNER: No, I agree.

5 DEPUTY TOWN ATTORNEY ALGIOS: We just want to see if it's
6 actually defined in the code.

7 CHAIRMAN MAMMINA: We also have to remember we're approving the
8 shed.

9 MS. WAGNER: Yes, we know that.

10 (Whereupon, a discussion was held between Board Members.)

11 MEMBER DONATELLI: Mr. Chairman, I make a motion that we grant
12 the application pertaining to the shed and the variances to side yard
13 setback and the rear yard setback of the shed.

14 MEMBER HERNANDEZ: Of the garage.

15 MEMBER DONATELLI: No, the garage is existing nonconforming.
16 As to the carport, I make a motion that -- well, the applicant has
17 actually withdrawn that portion of their application that pertains
18 to the carport.

19 (Whereupon, there was a discussion between Board Members.)

20 DEPUTY TOWN ATTORNEY ALGIOS: This is my concern. I just don't
21 want to deny it, and then the Building Department says they have to
22 remove that whole concrete area. I don't know what the Building
23 Department is only looking at the carport as that overhead structure
24 or the whole thing, including the concrete and the railing and
25 everything else.

26 MEMBER DONATELLI: So I'm not sure if we're granting or denying

1 if the condition that --

2 DEPUTY TOWN ATTORNEY ALGIOS: Do you want to get an opinion --

3 MS. WAGNER: Is this holding anything up? This application
4 that the proposed, the deck?

5 MS. LOWE CHIANESE: (Nonverbal response given).

6 MS. WAGNER: It is holding up the deck.

7 MEMBER DONATELLI: We want to make sure that we don't have
8 another problem with what we're doing.

9 MS. LOWE CHIANESE: I appreciate that. The homeowner is just
10 a little concerned about the deck being held up. That's all.

11 DEPUTY TOWN ATTORNEY ALGIOS: So they're going to reserve this.
12 You can leave, and then we're going get an opinion from the Building
13 Department as to the wording so that there's no issues for your client
14 so that just the roofing is going to be removed, but he can keep the
15 concrete base.

16 MS. LOWE CHIANESE: Okay.

17 DEPUTY TOWN ATTORNEY ALGIOS: And then they'll probably decide
18 it later on during the reserve portion of the -- so you'll have a
19 decision most likely by later today.

20 MS. LOWE CHIANESE: Oh, okay.

21 MS. WAGNER: Most likely.

22 DEPUTY TOWN ATTORNEY ALGIOS: Most likely. I can't guarantee
23 it. You can call the BZA office later or tomorrow and they can let
24 you know.

25 MS. LOWE CHIANESE: Okay, and if you guys need additional plans
26 or anything uploaded, that's fine.

1 MEMBER DONATELLI: Thank you.

2 CHAIRMAN MAMMINA: Thank you.

3 MEMBER DONATELLI: That's for your understanding again. Mr.
4 Chairman, I withdraw the motion for the time being.

5 CHAIRMAN MAMMINA: Thank you.

6

7 MS. WAGNER: Next appeal, Appeal #21490.A, Edward Probst; 52
8 Netz Place, Albertson; Section 7, Block 197, Lot 94; Zoned:
9 Residence B.

10 Variances from 70-40.A, 70-41.A, 70-39.B to construct additions
11 too close to the front property line, too close to the side property
12 line with not enough total side yard area, and that would make the
13 home too big.

14 CHAIRMAN MAMMINA: You heard Appeal #21490.A, Edward Probst.
15 Is there anyone in the room interested in the application other than
16 the applicant? Seeing no one, please give your name and address.

17 MR. PROBST: Good morning. My name is Ed Probst. I'm the
18 homeowner. I reside at 52 Netz Place in Albertson, New York. Thank
19 you for giving me an opportunity to speak today.

20 We are respectfully requesting a variance related to minor yard
21 setback deviation as well as a slight overage in floor area related
22 to a proposed second-story addition.

23 The front yard setback code requires 30 feet. Our proposed is
24 29.83 feet. The side yard setback is set on one side is 7 foot
25 required. It's proposed at 6.83 feet. Both of those were existing,
26 I believe, since the house was constructed. We've owned the house

1 for 15 years.

2 Then lastly, gross floor area allowance of 45 percent. We're
3 proposing 46.2.

4 Our appeal was denied, and there were suggestions by this Board
5 that we followed. We took that with great respect and under
6 consideration, and we revised our plans, and are now submitting that
7 back today and asking for a variance.

8 We love the house we live in. My wife is a school teacher. We
9 live five miles from the home -- she works five miles from the home
10 I should say. I have a daughter in high school, who wants to stay
11 in the district, and even though they're still young, they're not
12 so small anymore, so we need more space.

13 We believe it's in line with the other homes on our street.
14 There's two brand new homes, large size, going up across the street
15 from us right as we speak. One went up down the block last year,
16 and so we believe this is consistent with the home. It's necessary
17 because we need the additional space, and we took the Board's
18 recommendations. We want to comply as best as we can and revised
19 the plans as best as we can so that we can come close to the code.
20 We are asking today that you consider our variance.

21 MEMBER GOODSELL: I will say you do have two big houses going
22 up across the street, and you do seem to have one of the smaller houses
23 in the neighborhood, and I don't think anybody on the Board has any
24 objection to improving the property that you have.

25 For the record. You're keeping the same footprint of the house,
26 which is technically pre-existing nonconforming, and you're adding

1 a second story to that. How much over GFA do you go by adding this
2 second story?

3 MR. PROBST: As current we're 1.2 percent over.

4 CHAIRMAN MAMMINA: Give me square feet.

5 MR. PROBST: Oh, I'm sorry. Square footage is 77 square feet.
6 I have it here.

7 CHAIRMAN MAMMINA: And you removed the second floor room that
8 was proposed over the garage within your reduction of the floor area?

9 MR. PROBST: Yes, that is not living space. It's gonna be
10 storage. It's a roof line now, false, you know, roof line.

11 MEMBER GOODSSELL: As one Board Member I remember I was sitting
12 on the Board, and I remember your other application, and I'm very
13 glad that you did in fact take a look at the code or your architect
14 did. You did in fact revise your plans. The houses across the
15 street I think are bigger lots.

16 MR. PROBST: They're slightly bigger, yes.

17 MEMBER GOODSSELL: You have to work with what you got, and so
18 you have a very deep property that you still own 50 feet across the
19 front. I, Mr. Chairman, am not disturbed by the 77 square feet over
20 at all.

21 MS. WAGNER: Actually 76 square feet.

22 CHAIRMAN MAMMINA: In this instance.

23 MEMBER GOODSSELL: In this instance because you are going up from
24 a pre-existing nonconforming and you have, in fact, cut back on the
25 overage that you have applied for previously. I don't have any
26 objection to this application.

1 CHAIRMAN MAMMINA: I would have to say that essentially, and
2 while we don't design the building for someone, we do make
3 suggestions, and I think that the suggestions that we have made have
4 been reasonably followed. I can't make a motion, but I think that
5 this certainly moved in the correct direction. The applicant also
6 took a good amount of time in looking at this apparently by the time
7 that they spent between the original submission.

8 MEMBER DONATELLI: I would also just note for the record that
9 there are some -- it is not just gross floor area, but the front yard
10 setback is only .17 of a foot, so in my mind that is rather de minimus.
11 We do have a side yard setback issue of 6.83 versus 7. In my mind
12 that is also very minor. The aggregate setback of course is 1.17,
13 but again, in the realm of things, I don't consider that to be very
14 large. So that if -- did I hear a motion from Member Goodsell?

15 MEMBER GOODSSELL: I will convert what I said to a motion that
16 we grant the application as presented before us.

17 CHAIRMAN MAMMINA: Okay, we have a motion from Member Goodsell?
18 Do we have a second?

19 MEMBER DONATELLI: Second.

20 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please poll
21 the Board.

22 MS. WAGNER: Member Hernandez?

23 MEMBER HERNANDEZ: Aye.

24 MS. WAGNER: Member Donatelli?

25 MEMBER DONATELLI: Aye.

1 MS. WAGNER: Member Goodsell?

2 MEMBER GOODSSELL: Aye.

3 MS. WAGNER: Vice Chairman Francis?

4 VICE CHAIRMAN FRANCIS: Aye.

5 MS. WAGNER: Chairman Mammina?

6 CHAIRMAN MAMMINA: Aye. The application is granted.

7 MR. PROBST: Thank you, Members of the Board.

8 MEMBER GOODSSELL: It will be a beautiful house when you're done.

9

10 MS. WAGNER: Appeal #21709, Anthony and Ann Marie Cancellarich;
11 12 Langdon Road, Carle Place; Section 9, Block 468, Lot 56; Zoned:
12 Residence B.

13 Variance from 70-100.2(K) to install a generator too far from
14 the house.

15 CHAIRMAN MAMMINA: You heard Appeal #21709, Anthony and Ann
16 Marie Cancellarich. Is there anyone in the room interested in the
17 application other than the applicant? Seeing no one, please give
18 your name and address.

19 MR. KOUTSOUMBIS: Good morning. My name is Dean Koutsoumbis.
20 My address is 121 Newbridge Road, Hicksville, New York 11801.

21 Good morning, Members of the Board. I'm here this morning on
22 behalf of Mr. and Mrs. Anthony and Ann Marie Cancellarich, 12 Langdon
23 Road in Carle Place. We are requesting a variance and permission
24 to install a generator. They didn't choose this just as a matter
25 of having a generator, but more of a necessity. As they're getting
26 older, it becomes more difficult for them every time the power goes

1 out. They're an elderly couple. Longtime residents of the house,
2 and Mr. Cancellarich has medical issues in which, you know, we did
3 submit a doctor's note, but it is as an absolute necessary for him
4 to have continuous and reliable electrical services.

5 From speaking to my clients, the power goes out in their
6 neighborhood approximately four to five times a year and not always
7 storm related and usually takes several hours for the power to get
8 restored. This is rather difficult for Mr. Cancellarich in
9 particular. He's under medical care, and has a hospital bed in the
10 house, which uses electricity, and aside from the hospital bed, it's
11 important that he keep the heat and air conditioning and refrigerator
12 on continuously.

13 We're asking for variance because the proposed generator
14 location is too far from the house. It is required to be a maximum
15 of 5 feet from the house, and we're asking to position the generator
16 at 15 feet from the house. Now that may seem substantial, and it
17 seems like a big number, but in reality there's a 13.5-foot depth,
18 and then the generator will be placed 18 inches or a foot and a half
19 from the deck. So all in all from the face of the house to the
20 generator will be 15 feet.

21 It will also have a side yard of 7.29 feet and a rear yard of 24
22 feet. Both the side yard and rear yard, which we are proposing
23 complies with the ordinates.

24 Before taking on this case, I reviewed with the electrician and
25 the installer of the generator and the clients. There is absolutely
26 no other location on this property in which a generator could be

1 installed without asking for a variance. Any other location on the
2 property would have required other variances. My client's first
3 choice would have been to put it in the side yard on the south property
4 line, and that choice, we decided not to file it there as that would
5 have created a side yard variance, which could have been viewed as
6 more substantial than the variance that we're asking for, and could
7 have more of an impact on the neighbors.

8 I did speak to the neighbor in this case. The neighbor most
9 affected is the neighbor to the south, Mr. Gaffney at 10 Langdon Road.
10 He indicated that he has no objection to this variance, whether it
11 was in the south side yard or in the location we are choosing. It's
12 far enough away from everybody else, so we're not -- again, we're
13 not asking for a side yard variance. The only variance we're asking
14 for is to have it 15 feet from the house instead of the required 5
15 feet. The north side is just too small. The other restrictions of
16 generators it has to be 5 feet away from the window, so that, you
17 know, eliminated windows and doors, and that limits our possibilities
18 as well, so we decided this is probably the best place in the property.

19 I feel that the variance is not substantial. No adverse
20 effects. No objections from the neighbors, and we kindly ask for
21 your approval on this.

22 VICE CHAIRMAN FRANCIS: What is your fuel source of this
23 generator?

24 MR. KOUTSOUMBIS: It's proposed to be a gas generator. I
25 didn't mention that the utilities are on that side of the house where
26 we're proposing it. Utilities are on the side yard and can be routed

1 to this proposed.

2 MEMBER HERNANDEZ: So the gas line is on that side of the house.

3 MR. KOUTSOUMBIS: On that side of the house, yes.

4 VICE CHAIRMAN FRANCIS: Is the gas line going to run under the
5 deck?

6 MR. KOUTSOUMBIS: No, run along the -- so it would run along
7 the side -- along the side of the deck. The gas and electric would
8 have to be --

9 MEMBER HERNANDEZ: It's not a raised deck.

10 MR. KOUTSOUMBIS: It is a raised deck. The deck is low. It's
11 approximately two steps up in that location, so like I said, 16 inches
12 or so above the ground.

13 CHAIRMAN MAMMINA: It certainly can't fit in the side yard and
14 comply, even with windows aside. You know, I'm very familiar with
15 the neighborhood. Those houses are --

16 MEMBER HERNANDEZ: Very close.

17 CHAIRMAN MAMMINA: They're very, very close. They're tightly
18 built onto the site. I mean I try to look very carefully at every
19 single application as I do on this one as well, and it may very well
20 be that is the only spot having really nothing to do with anything.
21 If it was my house and I could fit in my side yard, I would prefer
22 it in the side yard, so.

23 MEMBER GOODSSELL: I don't see the chairman's red pen. I'm not
24 sure he can find another location that will be compliant. Short of
25 rebuilding the deck, seriously.

26 VICE CHAIRMAN FRANCIS: Right.

1 MEMBER GOODSSELL: Because I presume that the deck has been there
2 for a while, and this is a trend that I was unfamiliar with before
3 I came on the Board, but it seems like generators seems to be one
4 of those necessities of modern life because the power does go out.
5 If your client has a medical reason, God forbid he was on oxygen,
6 he would have to have a backup, and he has a hospital bed, which home
7 generators just seem to be on the rise.

8 To my mind, the point of requiring a generator to be so close
9 to your house is so that you don't put the noise to your neighbor's
10 house. Closer to your neighbors that are further away from. The
11 applicant here does not seem to be doing that.

12 VICE CHAIRMAN FRANCIS: Yeah. I actually lost power on Sunday,
13 and I do not have a generator, and it is a problem. I didn't have
14 power for six hours. And what do you do when can't watch television.
15 I mean, it's an issue. So I'm mindful of that. I don't think there's
16 any other alternative you have. It is a fact of life. It would be
17 much -- it would be very expensive to remove the deck or remove part
18 of the deck to make this compliant in terms of moving that generator
19 closer to the house.

20 Mr. Chairman, I'm going to move that we grant this application.

21 CHAIRMAN MAMMINA: We have a motion by Vice Chairman.

22 MEMBER GOODSSELL: I will second that.

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

25 MS. WAGNER: Member Hernandez?

1 MEMBER HERNANDEZ: Aye.

2 MS. WAGNER: Member Donatelli?

3 MEMBER DONATELLI: Aye.

4 MS. WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 MS. WAGNER: Vice Chairman Francis?

7 VICE CHAIRMAN FRANCIS: Aye.

8 MS. WAGNER: Chairman Mammina?

9 CHAIRMAN MAMMINA: Aye. Application is granted.

10 MR. KOUTSOUMBIS: Thank you.

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

12
13 C O M M E R C I A L C A L E N D A R

14 MS. WAGNER: Next appeal, Appeal #21705, Bowl 360; 465 Herricks
15 Road, New Hyde Park; Section 9, Block 514, Lot 44; Zoned: Business
16 A.

17 Variance from 70-203(G) and Conditional Use 70-225(B) (7) (a) [1]
18 for site work including required removal of a required landscape area
19 and expansion of the kitchen requiring an updated conditional use
20 permit.

21 CHAIRMAN MAMMINA: You've heard Appeal #21705, Bowl 360, 465
22 Herrick Road in New Hyde Park. Is there anyone in the room interested
23 in the application?

24 MS. WAGNER: We have a sign-in sheet.

25 CHAIRMAN MAMMINA: All right, so we have sign-in sheet going
26 around, and that's great, and again, what we do ask, everyone will

1 have an opportunity to speak. If you don't wish to speak but wish
2 to say you're in support or opposed, only have to write that on the
3 sign-in sheet, and we just ask that we -- three minutes as a
4 limitation. We don't hold that hard and fast, but three minutes,
5 and just try not to repeat each other. It's not always easy to do.

6 With that said, please give your name and address.

7 MR. SANDY: Simon Sandy, Sandy Law Firm, 520 Franklin Avenue,
8 Garden City. Good morning, Mr. Chairman and Members of the Board.

9 CHAIRMAN MAMMINA: Good morning.

10 VICE CHAIRMAN FRANCIS: Good morning.

11 MR. SANDY: I'm here to represent D&S Groups for the property
12 located at 465 Herrick Road. Designated as Section 9, Block 514,
13 Lot 44. In particular, we're here with respect to an application
14 to remove a required 15-foot buffer in order to create additional
15 parking, as well as an application for a conditional use permit in
16 order to increase the kitchen. With me today, present are the
17 principals of D&S, as well as the architect.

18 I'm going to first address the buffer. So historically, the
19 approved site plan dated January 11, 1995 for the premises included
20 lots 43 and 52, which are now under different ownership since the
21 lot has been subdivided.

22 CHAIRMAN MAMMINA: Can you repeat the dates on that?

23 MR. SANDY: Sure. The date of this site plan is January 11,
24 1995.

25 CHAIRMAN MAMMINA: Is that preceded by anything?

26 MR. SANDY: Preceded by other site plan?

1 CHAIRMAN MAMMINA: I say it because only the bowling alley has
2 been there since I was in the high school. That was a long time ago.

3 MEMBER HERNANDEZ: That was before '95.

4 CHAIRMAN MAMMINA: Way before '95. That's not a trick
5 question.

6 MR. SANDY: No, I didn't think it was. I don't know.

7 MEMBER HERNANDEZ: '58.

8 CHAIRMAN MAMMINA: That's what I thought.

9 MR. SANDY: I'm sorry, I was not --

10 CHAIRMAN MAMMINA: '58 somewhere, so.

11 MR. SANDY: Okay. I was not aware of that.

12 CHAIRMAN MAMMINA: I was five.

13 MEMBER HERNANDEZ: You mentioned that the lot was subdivided.
14 Do you know when that was subdivided?

15 MR. SANDY: The architect may answer that. If you don't mind?

16 CHAIRMAN MAMMINA: Sure.

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

18 MR. PARK: I'm Ung-Jib Park. The address is 163-16 Northern
19 Boulevard, Second Floor, Flushing, New York 11358.

20 We had the one big lot, and then we subdivide to the owner. The
21 owner purchased the bowling alley.

22 VICE CHAIRMAN FRANCIS: When did that happen?

23 MEMBER HERNANDEZ: What year?

24 MR. PARK: The year is recently.

25 MEMBER HERNANDEZ: So it was recently subdivided?

26 UNIDENTIFIED SPEAKER: 2020.

1 MR. PARK: 2020.

2 MEMBER HERNANDEZ: Thank you.

3 CHAIRMAN MAMMINA: Do you have subdivision map?

4 MR. PARK: Yeah.

5 CHAIRMAN MAMMINA: I think I saw something.

6 MR. PARK: Yeah, we have the application, yes.

7 CHAIRMAN MAMMINA: I don't want to get ahead of your attorney.
8 Please stop me. Why would you subdivide it? That's why I said --

9 MR. SANDY: So the bowling center -- no, that's okay. My
10 clients bought the bowling center in 2023. It was already subdivided
11 at the time. Your question was when. I again, I apologize. I do
12 not --

13 MEMBER HERNANDEZ: He said 2020 just now.

14 MR. SANDY: I'm sorry?

15 MEMBER HERNANDEZ: He just said it was subdivided in 2020.

16 MR. SANDY: 2020, okay. Subdivided in 2020.

17 CHAIRMAN MAMMINA: You'll show us that.

18 MR. SANDY: I'll show you that, correct.

19 CHAIRMAN MAMMINA: It just seems odd, but it could be.

20 MR. SANDY: At that time, and I'll get there. There were 53
21 parking space required for the bowling center.

22 So this is the 1995 site plan. So you can see this is the bowling
23 center right here. It is part of this entire parcel. So once it
24 was subdivided, it actually -- and I'll show you on the new site plan,
25 the line went straight down this way. In fact, there's already
26 encroachment over to where it was subdivided that my client would

1 like to take care of after the fact. So as a result, all of this
2 went away. Leaving just this area for parking. The bowling center
3 currently has 69 spaces, so it's already -- so the new code requires
4 89 spaces. We need to come up with 20 spaces. Therein lies.

5 CHAIRMAN MAMMINA: When you say the new code, the new code from
6 when?

7 MR. SANDY: The new code from?

8 CHAIRMAN MAMMINA: To me the new code means that there was
9 another code that was in effect, and now there's a new code, or do
10 you mean as a result of the subdivision?

11 MS. WAGNER: I think he means as compared to what was required
12 when they did that site plan many years ago.

13 VICE CHAIRMAN FRANCIS: Before the subdivision.

14 CHAIRMAN MAMMINA: Okay, I guess --

15 MS. WAGNER: The parking.

16 CHAIRMAN MAMMINA: I'd just be curious to see that if you have
17 that.

18 MR. SANDY: I do have another.

19 CHAIRMAN MAMMINA: Okay.

20 MR. SANDY: So these are the new plans.

21 CHAIRMAN MAMMINA: That's the one we have.

22 MR. SANDY: That's the one you have. I sent it.

23 CHAIRMAN MAMMINA: Yes.

24 MR. SANDY: Correct. So as I said, the bowling center
25 currently has 69 spots; 89 are now required.

26 CHAIRMAN MAMMINA: I apologize for interrupting you again. Do

1 you have the recent plan? Pre-subdivision.

2 MR. SANDY: Pre-subdivision?

3 CHAIRMAN MAMMINA: Yes. What was filed with Nassau County.
4 There had to have been something filed and you may not. That's okay.

5 MR. SANDY: Oh, I see what you mean. I don't --

6 CHAIRMAN MAMMINA: Only because like that had to be a major hit,
7 you know, for this piece of property.

8 MR. SANDY: Yes, it must have been, but I don't have that. I'm
9 sorry.

10 CHAIRMAN MAMMINA: How would you -- I'm really not trying to
11 pin you down.

12 MR. SANDY: That's fine.

13 CHAIRMAN MAMMINA: How would that all have been crafted? In
14 other words, where somebody doesn't just come by and chop them out.
15 Unless did the whole thing belong to whoever subdivided it?

16 MR. SANDY: Yes, it belongs to an owner that then subdivided
17 it and sold the bowling center to someone before my client, who then
18 in turn sold it to my client.

19 CHAIRMAN MAMMINA: But in order to then subdivide -- and I've
20 done lots of subdivisions as an architect. You have to get a
21 letter -- Nassau County has to get a letter saying that the two pieces
22 of property create no non-compliances. Now, this sounds like it
23 would create a noncompliance.

24 MR. SANDY: What we knew is that before client purchased the
25 property, there was a temporary licensing agreement in place, which
26 my client is also utilizing, and that --

1 CHAIRMAN MAMMINA: But again -- and I'll apologize. I would
2 think as an attorney that you recognize, and you had nothing do with
3 it.

4 MR. SANDY: Right.

5 CHAIRMAN MAMMINA: A licensing, a temporary licensing thing --

6 MR. SANDY: Doesn't take care of --

7 CHAIRMAN MAMMINA: I mean, that's got almost no weight at all
8 in ownership with this property. Yes? No?

9 MR. SANDY: Correct.

10 CHAIRMAN MAMMINA: That's. None of these are trick questions.

11 MR. SANDY: No, I didn't think --

12 CHAIRMAN MAMMINA: Just establishing --

13 MR. SANDY: For the record.

14 CHAIRMAN MAMMINA: -- a record. That's all.

15 MR. SANDY: Correct. So the new 20 spaces that are
16 required -- as you can see, the layout now of the property
17 essentially -- so essentially all of this area that was one time
18 utilized is gone. This is the property line. In order to comply
19 with the 89 spots, this buffer, landscape buffer, was proposed to
20 be removed. If that buffer is removed, cars can be parked here as
21 well as enough space to add additional space across in order to comply
22 with the 89 spots.

23 CHAIRMAN MAMMINA: But the buffer was required originally, so
24 why would you be able to take the buffer out, and then demonstrate
25 conformance to Nassau County Planning Commission?

26 MEMBER HERNANDEZ: According to your plan, that's not the only

1 buffer being removed. There is another buffer at the southern end
2 of the property being removed. According to the -- it says remove
3 planted area for parking.

4 MR. PARK: Yes, the -- a little keep existing board as we use --

5 VICE CHAIRMAN FRANCIS: Could you do me a favor? Go to the
6 microphone.

7 MEMBER HERNANDEZ: Thank you.

8 MR. PARK: We keep the existing bowling alley to the same use
9 to the proposed bowling alley. Don't change anywhere use of the
10 building. So we want to keep the existing parking space layout, but
11 the problem is the entrance of the bowling alley become in the front,
12 so we have to something a little bit adjust the parking layout in
13 front of the building. And then also the subdivision makes that we
14 lose the parking space on the right side. So now we have to calculate
15 again of the new parking -- the number of the parking. That is the
16 first offense on the occupancy law, so we just calculate occupancy
17 law, and then in the base of occupancy law, we come out 89 parking
18 space, which is different than existing space. So that is the
19 problem.

20 MEMBER HERNANDEZ: We understand what's happening, I think.
21 But my question had to do with the buffer. He's describing the buffer
22 in the flagpole part of the property, which is that strip on the top,
23 but as I look at the architect's plan, and you're the architect,
24 right?

25 MR. PARK: Yes.

26 MEMBER HERNANDEZ: As I look at your plans, if you look at the

1 southern end of the property, it says remove planted area for parking.
2 No, south. All the way down. Not the west. South. All the way
3 down.

4 CHAIRMAN MAMMINA: Horizontally.

5 MEMBER HERNANDEZ: Yeah, horizontal. There is a buffer there
6 now, not a lot of natural growth.

7 MR. PARK: Yes.

8 MEMBER HERNANDEZ: Not maintained perhaps, but it was a buffer.

9 MR. PARK: Yeah.

10 MEMBER HERNANDEZ: And you say in your plans that's being
11 removed. My question is, is that what you're proposing?

12 MR. PARK: Yes, because in order to make the additional parking
13 space, we have to remove this landscape, so make the two parking space
14 in here and here. That is the reason we --

15 MEMBER HERNANDEZ: It says 27 parking cars.

16 MR. PARK: Yeah, 27, but new parking layout has additional
17 parking space in this part. Now, it's only one line.

18 MEMBER HERNANDEZ: Right.

19 MR. PARK: But proposing two line of the parking.

20 CHAIRMAN MAMMINA: But the zoning requires that buffer, so it
21 just seems to me, you've gone way down the road without determining
22 whether that has as-of-right legality.

23 Again, I know I'm repeating myself. I would just like produced
24 as a document, not today, that Nassau County Planning Commission
25 subdivision, where the town has written a letter saying that that
26 complies, and maybe they did.

1 MR. SANDY: Okay.

2 (Whereupon, there was a discussion between Board Members.)

3 MR. SANDY: So our need is because of 89 spots versus 69 spots.

4 We need 21 spots to comply.

5 As you were discussing, CVS is planning on coming in the area
6 that was subdivided.

7 CHAIRMAN MAMMINA: Yeah, you're taking off all of the front
8 entrance. I don't even see how the ramp can be there.

9 MR. SANDY: Well, it's not going to be.

10 CHAIRMAN MAMMINA: Okay.

11 MR. SANDY: That's part of the -- so basically -- hang on one
12 second, please.

13 CHAIRMAN MAMMINA: And that's the other drawing that I was
14 talking about.

15 MR. SANDY: So this is the old one, right. So CVS --

16 CHAIRMAN MAMMINA: For the record, what year is that?

17 MR. SANDY: This is 1995.

18 CHAIRMAN MAMMINA: '95?

19 MR. SANDY: '95. January 11, 1995. So at this point, this is
20 one property.

21 CHAIRMAN MAMMINA: One property legally --

22 MR. SANDY: Legalized --

23 CHAIRMAN MAMMINA: -- as one property?

24 MR. SANDY: Well, it's got three lots. Owned by the same
25 person.

26 MEMBER HERNANDEZ: Three lots owned by the same company or

1 individual.

2 MR. SANDY: And at some point --

3 CHAIRMAN MAMMINA: Is there an agreement -- any further
4 agreements regarding subdivision of that that are deeded? I'm not
5 an attorney.

6 MR. SANDY: So I can tell you when my client bought the property,
7 on searches, nothing came up. Nothing was filed because it would've
8 came up in title search.

9 CHAIRMAN MAMMINA: That's what I would think.

10 MR. SANDY: Right, so we don't believe so unless there was a
11 prior agreement, but it was never filed. The only thing that we knew
12 was that there was a temporary licensing agreement, which I know
13 doesn't really have any bearing.

14 CHAIRMAN MAMMINA: Do we have the temporary license?

15 MR. SANDY: So they actually gave my client the temporary
16 license. I have a copy of it; however, now, that CVS is coming in,
17 that license is going to be terminated, and this is what puts us in
18 the position we're in.

19 CHAIRMAN MAMMINA: And that's 2003, did you say, or 2002, that
20 CVS came in?

21 MEMBER HERNANDEZ: Now.

22 VICE CHAIRMAN FRANCIS: No, they're coming in now.

23 DEPUTY TOWN ATTORNEY ALGIOS: Coming in now.

24 MR. SANDY: CVS is not built right now. Right now everything
25 is vacant. When my client bought the building --

26 CHAIRMAN MAMMINA: When was the temporary license you said was

1 taken away?

2 MR. SANDY: So we still have a temporary license. We're the
3 owner of this property. We have it. My client.

4 CHAIRMAN MAMMINA: So has that not closed then?

5 MR. SANDY: We've been notified that they will be terminating
6 it. That the CVS is proposing to come in. So whatever their deal
7 is, CVS, we're not privy to, but we're told that CVS will be coming
8 to the area. So as a result of, as I was saying earlier, there are
9 other issues that come to note is that the entrance is right here.
10 This entire area is going away, and actually going to be cut down
11 to this. So this part of the bowling center -- this is the old lot.
12 So this entire area is now going to be, I guess, taken by CVS or whoever
13 gets it if they don't. And now my client's lot is going to be stripped
14 down to this. So in fact, there's other encroachment, such as
15 there's an awning here. There's concrete steps. So this entrance
16 is ultimately going to need to be removed because it's not feasible
17 to have just that spot to this location. To this location right here.

18 CHAIRMAN MAMMINA: The entrance is going to be there?

19 MEMBER HERNANDEZ: By the handicap parking.

20 MR. SANDY: Right here.

21 CHAIRMAN MAMMINA: Just point to it.

22 MR. PARK: The entrance is here.

23 MR. SANDY: Oh, I'm sorry. I was looking at it backwards.

24 CHAIRMAN MAMMINA: That's where the entrance is.

25 MR. SANDY: You see the current entrance, the entrance will be
26 here.

1 MEMBER HERNANDEZ: Facing Herricks.

2 CHAIRMAN MAMMINA: So if somebody's parking in that most
3 remote, you're calling the flagpole, and we'll come to those parking
4 spaces, they're gonna walk from there all the way around to that area
5 in the front.

6 MR. SANDY: Right, I mean that's the -- so the -- you can --
7 the lot is not in the best form, so that's correct. In order to comply
8 with 89 spots, that's what we're proposing to remove the landscape
9 submitted.

10 MEMBER DONATELLI: I do have another question because I'm still
11 working on this because I also have subdivided. I'm an attorney.
12 I've subdivided some parcel for my clients. When we say subdivision,
13 what that brings to mind, my mind, is you have one tax block lot,
14 and then you divide that one lot into two or more separate lots, and
15 then the county will come back and say this is tax lot so and so,
16 and now this tax lot so and so. I'm trying to figure out if you
17 actually went through that process, or it's just one owner had perhaps
18 two or three different properties. One same owner, and then said,
19 well, I'll sell you this one property, and I'm gonna keep this other
20 property. Maybe that's the source of my confusion. Do you know
21 which one of those situations it may have been?

22 MR. SANDY: So what we know is that lots -- so the lot is still
23 known, the entire property rather, as 465 Herricks.

24 CHAIRMAN MAMMINA: But that's an address.

25 MR. SANDY: That's an address, but that address covers the
26 CVS --

1 CHAIRMAN MAMMINA: It's an address.

2 MR. SANDY: Right.

3 CHAIRMAN MAMMINA: It just doesn't count.

4 MR. SANDY: Okay. At one point lots 43, 52, and my client's
5 lot 44, were all owned by the same owner. So how it was subdivided
6 or broken off, sort of speak, I don't, you know, I wasn't --

7 MEMBER DONATELLI: So really the difference is whether or not
8 you went to Nassau County for the subdivision or not because you
9 wouldn't have to go to Nassau County for a subdivision if one person
10 owns two lots and just decides to sell one of the lots.

11 MR. SANDY: Right.

12 CHAIRMAN MAMMINA: Agreed.

13 MEMBER DONATELLI: Let's move on.

14 MR. SANDY: So my client bought lot 44, right? So this is
15 what's creating the deficiency of parking because the way the lot
16 is actually formatting and so here, it doesn't really provide any
17 area for additional parking. If you could see it's basically a lot,
18 right? so it just goes here and come up and ends right here. So
19 the only way to add 20 additional spots that we could find, would
20 be to remove the required landscape. So we're not -- my client is
21 not looking to remove it to disturb the neighbors. He's not looking
22 to remove it so that -- to not comply with the law. He's looking
23 to remove it so that he can have additional parking spots and comply
24 and move forward.

25 MEMBER HERNANDEZ: So what you're saying is that with the
26 present -- and I don't see it. Maybe you see it and I just didn't

1 see it. On the present layout with the present landscape buffers
2 you have roughly 66?

3 MR. SANDY: Sixty-nine.

4 MEMBER HERNANDEZ: Sixty-nine parking spaces, and you're
5 required to have by code --

6 VICE CHAIRMAN FRANCIS: Eighty.

7 MEMBER HERNANDEZ: -- eighty-nine?

8 MR. SANDY: Eighty-nine, correct.

9 CHAIRMAN MAMMINA: What causes at least one fairly good bump
10 up?

11 MR. SANDY: I'm sorry, what was that? I'm sorry, I missed that.

12 CHAIRMAN MAMMINA: What in your proposal causes a bump up in
13 your parking beyond the bowling alley?

14 MR. SANDY: I mean, it's determined --

15 MS. WAGNER: Just go to the microphone.

16 CHAIRMAN MAMMINA: It's not a trick question. It's a kitchen
17 restaurant area inside of it that causes a chunk of the parking, and
18 I don't know if you're aware of that. I don't know your architect
19 has filled you in on that or anyone else because as I'm sure you know
20 that requesting a variance, and please, I don't mean to disparage
21 you, you know, just because this is what I need.

22 MR. SANDY: Sure.

23 CHAIRMAN MAMMINA: You know, that doesn't. That's not in the
24 Five Factors. Then it's super self-created. So you may not be
25 prepared to answer this. And we can read it -- we can read it to
26 you, but I guess just -- I got to ask the questions, 90 percent of

1 the time, I'm on that side of the podium.

2 MR. SANDY: I understand. I'm not taking it in any way.

3 CHAIRMAN MAMMINA: Is the owner aware that increase in the
4 kitchen size exacerbates the variance, and I think Member Hernandez
5 is --

6 MEMBER HERNANDEZ: Well, I'm going by the architect's parking
7 requirement calculation to the zoning. He's got that the bowling
8 alley itself requires 47 cars. Eight employees requires eight cars.
9 He talks about the bar, restaurant bar and grill requiring eight and
10 a half cars, and then there's something called a game area, which
11 I don't know what that means, which requires 25 and a quarter cars.
12 I'm looking at your plan. I don't know what game area means.

13 MR. PARK: Game area here.

14 CHAIRMAN MAMMINA: For the attorney here. I'm sure you're
15 really, really good. I don't mean that in any way. I also stood
16 on your side of the podium. Clearly, there's an alternative. I
17 always say, look, I'd love to drive a Porsche, but I don't.

18 MR. SANDY: Right.

19 VICE CHAIRMAN FRANCIS: Yeah, the alternatives.

20 CHAIRMAN MAMMINA: Yeah, he's got alternatives. Just reduce
21 that stuff.

22 MR. SANDY: Just reduce.

23 VICE CHAIRMAN FRANCIS: It's a very popular bowling alley.
24 There's no doubt about it. I mean when my hair was really long and
25 very black I went to that bowling alley.

26 MR. SANDY: So if I may, my client does own other centers, and

1 he revamps them, so he's used to see the bowling alley, and if you
2 come back to it in due, you're going to see a big difference that's
3 his business plan.

4 CHAIRMAN MAMMINA: I said that in the --

5 MR. SANDY: Right, and I've seen them. I represented them on
6 the purchase and all that. So I believe, if I understand what you're
7 saying that there is no other way around this, you're correct. I
8 think, you know, part of it is that after he revamps this -- which
9 he's already started. There's new lanes in there. There's new
10 scoring systems in there. The kitchen, obviously, that's up next.
11 You know needed to be expanded a little to accommodate more demand
12 and menu.

13 MS. WAGNER: So the kitchen has not been expanded yet or it's --

14 MR. SANDY: Well, the counters are being removed and the walls
15 are put up. In order to block off part of the kitchen that was open
16 where all the cooking was done, and that then created a buffer, and
17 then it was expanded slightly. Part of that, part is their kitchen
18 supplies. The anticipated increase in patrons is what will most
19 likely happen, so in order to accomplish that, these plans are set
20 knowing how he's done with other centers. I'm not saying it's right.
21 I'm not saying the applicant cannot be reduced. I'm just stating
22 what's coming.

23 Now, on whether the neighborhood wants that, I don't know, but
24 CVS is coming also. The neighborhood is going to change. I think
25 with a new bowling center that's run by an owner user, a mom and pop
26 owner user, it's going to increase demand and traffic. It is.

1 That's why the parking spots are sought after as well. That's why
2 the kitchen increase is sought after. It's -- have you been in it
3 recently by any chance?

4 CHAIRMAN MAMMINA: Recently, but they're closed for a while.

5 MR. SANDY: Right, and it was rundown. The previous owner did
6 not really take care of it. It has already taken different shape.
7 There's been games put in. New games put in. Schools visit the
8 property more often. Leagues are coming back. It's only going to
9 increase if he's allowed to -- permitted to do what he --

10 CHAIRMAN MAMMINA: With super due respect, it argues against
11 your variance. We haven't even gotten to the parking layout that
12 he shows, and how people are actually going to navigate what they've
13 drawn on it, especially when we get into that flag portion --

14 MR. SANDY: Right.

15 CHAIRMAN MAMMINA: -- of it, where he's got these very severely
16 sloped parking spaces, and he hasn't shown if they comply with what
17 the town is looking for, but how do you turn around when you get to
18 the end of it? You're gonna have to back down that entire area.

19 MR. SANDY: So there is a mutual easement there, so whoever is
20 parked there can get out the other way.

21 MEMBER GOODSSELL: At the bottom of the flag pole?

22 MR. SANDY: Yes, there is. I know for a fact because we did
23 that, which is filed.

24 CHAIRMAN MAMMINA: But the drawing is showing parking spaces,
25 and then we get into another --

26 MEMBER HERNANDEZ: It shows it's a two-way street.

1 CHAIRMAN MAMMINA: Right. It's shown two ways, and we get into
2 another easement.

3 MR. SANDY: Right here you mean?

4 CHAIRMAN MAMMINA: Yeah.

5 MEMBER HERNANDEZ: Yeah, it's shown as two ways.

6 VICE CHAIRMAN FRANCIS: What size are those parking spaces?

7 MR. PARK: Which?

8 VICE CHAIRMAN FRANCIS: The one in the -- yeah, those.

9 MR. PARK: So the number of the parking --

10 VICE CHAIRMAN FRANCIS: What size?

11 MR. PARK: Side is 10 by 20.

12 CHAIRMAN MAMMINA: And those tie into what's down below?

13 Because I don't see any angles or anything on your chart. You have
14 a chart on the lower left-hand corner. It's your drawing, not mine.
15 The one over.

16 No? On the parking requirements.

17 Did you do this drawing? Did your firm do this drawing? How
18 could you not know that? Where does it show compliant anywhere with
19 those things? And when the people can't park there, where are they
20 gonna park? They're gonna go around the corner. They're gonna try
21 to park at the CVS lots. CVS is gonna tow them away. I don't know.

22 MR. SANDY: Well, that's assuming that more than 89 cars will
23 be there.

24 CHAIRMAN MAMMINA: No, that's assuming with 89 cars. Suppose
25 we say, no, you can't take that buffer out.

26 MEMBER HERNANDEZ: Are you challenging that you don't need 89

1 parking spaces? Is that what you --

2 MR. SANDY: No, no, I'm not. I'm just saying --

3 CHAIRMAN MAMMINA: To myself as one Board Member, I don't see
4 you taking that buffer out, but that's just me. I'm only one person.
5 It's completely self-servicing. In order for you to do that and the
6 penalty falls to the residents.

7 I mean, you can take an Article 78 --

8 DEPUTY TOWN ATTORNEY ALGIOS: If I can just interrupt for one
9 minute.

10 CHAIRMAN MAMMINA: Sure.

11 DEPUTY TOWN ATTORNEY ALGIOS: I think the Board is against the
12 parking buffer.

13 MR. SANDY: Sure.

14 DEPUTY TOWN ATTORNEY ALGIOS: From what I'm hearing. They
15 would like the parking buffer to remain to buffer the residences,
16 but they also see that changes to the inside is upping the parking
17 requirement.

18 MR. SANDY: Right.

19 DEPUTY TOWN ATTORNEY ALGIOS: What other alternatives can you
20 present? If you left the buffer in place, and maybe there's some
21 reductions you can make inside, and then maybe if you need some type
22 of variance for parking still, and maybe if you reduce the size of
23 the lots. Maybe there are things that you can do.

24 MR. SANDY: Okay.

25 DEPUTY TOWN ATTORNEY ALGIOS: To play around with the parking,
26 and maybe play around with the interior that would allow you to keep

1 the buffer as is, and have some type of parking variance, but not
2 as great as what you're showing now that you would need.

3 CHAIRMAN MAMMINA: Thank you, Deborah. That's very well said.
4 If you take the gaming center out.

5 MR. SANDY: Right.

6 CHAIRMAN MAMMINA: You've taken away a third of the parking
7 spaces that are required.

8 VICE CHAIRMAN FRANCIS: Yeah.

9 MEMBER HERNANDEZ: Or the additional requirement.

10 CHAIRMAN MAMMINA: It's done. You comply.

11 MR. PERROTTA: Do you feel that the Gaming Center -- like when
12 you say Gaming Center, you mean arcade games?

13 MR. SANDY: Right.

14 MR. PERROTTA: Do you believe that the arcade games or the
15 kitchen themselves are gonna drive traffic?

16 MR. SANDY: Can the owner speak? He can tell you. You can hear
17 it from the horse's mouth.

18 MR. PERROTTA: Yeah, sure.

19 MEMBER HERNANDEZ: Of course.

20 MR. SANDY: The answer is going to be --

21 MR. PERROTTA: Sure. I guess my question is, are people gonna
22 say, oh, let's go to the bowling alley to play pinball?

23 MR. MOHABIR: Danny Mohabir. I'm one of the owners. My wife
24 Deokumarie is in the back. 7 Grace Drive, Old Westbury, New York.
25 Thank you for having us today.

26 Yes. My last 30 years in Long Island that I've ran bowling

1 centers, including the one in Mineola right up the block. It used
2 to be called Herrill Lanes. That's what was there.

3 CHAIRMAN MAMMINA: I know that one well too.

4 MR. MOHABIR: Yeah, Herrill Lanes. It's a beautiful center.
5 We used to share bowlers.

6 CHAIRMAN MAMMINA: A mile away from there.

7 MR. MOHABIR: So what happened, we purchased the property in
8 2023, and it was that lot number that was stated that we purchased,
9 and the neighbor next door, which always allowed the parking there
10 for -- since 1958. I've seen blueprints. Many bowling centers in
11 New York. It's always been Herrill Lanes can use the bowling center
12 parking.

13 I purchased the property. I get served a letter. Guess what?
14 You got to move because we need the lot. Obviously, 'cause CVS had
15 probably had interest, and I agree with them upgrading the
16 neighborhood. It's been in various newspapers, where it shows
17 it's -- it's just not aesthetically good for any neighborhood. So
18 they agreed on that. They said, Danny, can you please make sure that
19 we go through with their -- the corrections that they we want us to
20 do. I said, no problem.

21 I had hired Ung-Jib to draft what was needed. He said, Danny,
22 listen, you have arcade games here, you have a bar, you have a kitchen.
23 I said the kitchen is not safe if I keep it at that level. It's
24 gonna -- it's gonna end up -- someone's gonna get hurt. I've dealt
25 with the Nassau County Health Department, and they agreed also when
26 we talked many, many, numerous; Danny, you definitely need more room

1 in this kitchen.

2 All I was trying to do with Ung-Jib is to get a little depth
3 because the relief was 415 square feet, and we were going from, I
4 believe, a little over 275 square feet, just to push it out so people
5 can walk in the kitchen. The same food. The same burgers. Same
6 fries. Same pizzas that we've served all along. We never changed
7 the American menu at all in there. So we wanted to make sure that
8 we were complying there with the kitchen and the health codes and
9 everything else. The kitchen was horrendous. We made use, we
10 upgraded all of our equipment to the needs itself.

11 The parking lot that we lost in the front. We've been renting.
12 Paying \$2500 a month, and I agreed. I'm not like the previous owner
13 and did not pay. He said, no, I'm not paying at all. I'm not moving
14 anything. He said, Danny we have an encroachment in the front. You
15 just got to change it to the side. I agreed. I paid him to file
16 it.

17 In the back of the bowling center, which would be a question
18 right now with the landscaping. Not the whole entire landscaping.
19 Just a ten, 15 percent portion of the landscaping that's there is
20 in question.

21 CHAIRMAN MAMMINA: What does that mean? Ten, 15 percent?

22 MR. MOHABIR: So when you walk --

23 CHAIRMAN MAMMINA: What does the ten or 15 percent mean? The
24 drawing shows it completely removed.

25 MR. MOHABIR: So when you walk in from the left side of the
26 bowling center --

1 CHAIRMAN MAMMINA: You haven't answered my question.

2 MR. MOHABIR: Yes.

3 CHAIRMAN MAMMINA: What does the ten or 15 percent mean?

4 DEPUTY TOWN ATTORNEY ALGIOS: I think he's answered it.

5 MR. MOHABIR: I apologize, the entire landscaping of that
6 property.

7 CHAIRMAN MAMMINA: No, he hasn't, Deborah.

8 DEPUTY TOWN ATTORNEY ALGIOS: No, I think that was what he was
9 just trying to tell --

10 CHAIRMAN MAMMINA: No, he's saying, you're coming in. So if
11 you're not coming into the entrance.

12 MR. MOHABIR: From Herricks Lane right now -- I'm sorry.
13 Herricks Road, coming in, there's an entire strip of landscaping,
14 and then you make a little turn, and there's another set of landscape
15 that's there.

16 Right, Ung-Jib? Correct me if I'm wrong.

17 MR. PARK: Correct.

18 MR. MOHABIR: The proposed parking spaces that we were -- the
19 additional that we discussed, corrections that we need to add was
20 on the back far side. The alleyway that goes to the next neighbor's
21 property.

22 Right, Ung-Jib? Is that?

23 MEMBER GOODSSELL: That's not what the plans show.

24 CHAIRMAN MAMMINA: No.

25 MEMBER HERNANDEZ: That's not what the plans show.

26 CHAIRMAN MAMMINA: No, that's not what the plans say. I don't

1 think you understand what is here. If there's a parking strip along
2 Herricks Road, I don't know, it's not shown -- it's not shown as being
3 removed, but based on what you said, that means there are houses on
4 Herricks Road. Clearly, there aren't --

5 MS. WAGNER: I think he's saying when you come in from Herricks
6 Road.

7 CHAIRMAN MAMMINA: And it's on the left. Okay, and yes, that's
8 a parking strip, and you're showing it removed.

9 MEMBER GOODSSELL: Let me --

10 DEPUTY TOWN ATTORNEY ALGIOS: Patricia, let me just tell him.
11 So your plan that's submitted shows when you come in from Herricks
12 Road all of the landscaping on the left side against the residential
13 area is removed.

14 CHAIRMAN MAMMINA: Correct.

15 MEMBER GOODSSELL: That's what your plans are showing.

16 MR. MOHABIR: Okay.

17 MS. WAGNER: It's the difference between this plan and that
18 plan.

19 MR. MOHABIR: Okay, I apologize about that.

20 MS. WAGNER: So if you look at this, there's currently landscape
21 buffer here and here. Around the side, and that's -- except for this
22 piece here, it's proposed to be removed, so this is the only piece
23 here that's --

24 MR. MOHABIR: I apologize about that.

25 MEMBER GOODSSELL: Sir?

26 MR. MOHABIR: Yeah, so can I just --

1 MEMBER GOODSSELL: You answer the chairman's question, and then
2 I have a question.

3 MR. MOHABIR: Yes, so I understand now. Yes, I apologize about
4 that.

5 MEMBER GOODSSELL: If this Board says, we do not want any buffer
6 landscape removed at all; how many parking spaces does that bring
7 you down to?

8 MR. MOHABIR: So 69.

9 MEMBER GOODSSELL: All right, 69. I just informally counted.
10 I think it's a little bit less than that.

11 Based upon your experience with your other bowling alleys, how
12 many parking spaces do you think you're going to need? Never mind
13 what the code says. How many you're going to need?

14 MR. MOHABIR: So 69 parking spaces, I'm very happy with. With
15 the kit -- the kitchen doesn't really have anything to do with parking
16 spaces at all. The kitchen is a kitchen. It doesn't change the one
17 or two personnel that works the kitchen.

18 If, in a really good world, and I do love the neighbors next
19 door. I'm very neighborly into the neighbor center. I live in Old
20 Westbury. I have no issue with the 69 spaces that are there
21 currently. I was just given from Ung-Jib that drafted the letter.
22 We got rejected so many times. I said what are we gonna do. I can't
23 tell the neighbors that we got just put more parking spaces, or can
24 I rent their backyards. It's not the case. That doesn't work like
25 that.

26 I was given a situation where I was trying to do right for the

1 neighborhood, so we adjusted correctly. This is the only way where
2 given to increase the size and parking. If it could have been 69
3 spaces, I'm currently happy with the landscaping to continue.

4 MEMBER GOODSSELL: Okay, so we've had other applications before
5 this Board because there is inadequate parking, and there's all kinds
6 of parking spaces there. Based on your experience, your own
7 experience --

8 MR. MOHABIR: Yes.

9 MEMBER GOODSSELL: If we say that no, no landscaping buffer can
10 be removed. That brings you down to 69 spaces. Are going to need
11 more than 69?

12 MR. MOHABIR: With the current plans that are in place with the
13 arcade being the same, the kitchen being slightly altered 'cause
14 we're just making a space to walk, I'm fine with the 69 spaces, but
15 in my experience.

16 MEMBER GOODSSELL: I agree with you with respect to the kitchen.
17 Nobody's going to a bowling alley because of the fine cuisine.
18 They're going to bowl, and the food is supplemental. It's always
19 nice if it's good, but the food is supplemental. So based upon on
20 the number of patrons, the number of alleys that you have, the game
21 room, the stuff that you have right now, in your opinion, do you feel
22 that 69 spaces is going to be adequate?

23 MR. MOHABIR: Yes, correct.

24 MEMBER DONATELLI: I'd like to speak as one Board Member. We
25 as a Board are required to weigh many competing factors when it comes
26 to the applications before us, and we try to weigh the interest of

1 the neighbors and their quality of life with of course what your
2 interests are as the applicants, and sometimes it's not easy because
3 Nassau County can be crowded because these buildings were built in
4 such a way sometimes prior to the code, and the code has been made
5 more stringent over time. It could be a variety of things, but I
6 would like to renew counsel's question to you earlier. Is there some
7 way -- and of course this is your application, and your entitled to
8 make your application any way you want. But I guess my question for
9 your attorney or for your architect, are there some alterations that
10 you could make to your plans to amend your plans in some way but
11 somehow still keeping the buffers in place, which really go to the
12 heart of the neighbors' concerns.

13 VICE CHAIRMAN FRANCIS: Like reducing the size of the parking
14 spaces from ten -- what did you say; ten by?

15 MR. PARK: 10 by 20.

16 VICE CHAIRMAN FRANCIS: To 9 by 20.

17 DEPUTY TOWN ATTORNEY ALGIOS: Or 9 by 18.

18 VICE CHAIRMAN FRANCIS: Or 9 by 18, right.

19 MEMBER HERNANDEZ: That would give you more spaces, tighter.
20 You will need a variance from us. You can't just do it.

21 VICE CHAIRMAN FRANCIS: Right.

22 MEMBER HERNANDEZ: But there are options; a way to create more
23 space.

24 VICE CHAIRMAN FRANCIS: Or reducing the interior size as well.
25 Places like the Game Room is also affecting your parking. Why does
26 the Game Room have to be as big as it is?

1 MR. MOHABIR: So the Game Room itself it was just an additional
2 amenity. It's the same Game Room. It didn't create any extra
3 customers. It was really for the neighbor kids to utilize it during
4 their birthday parties. So I wasn't sure why it would have affected
5 the parking with the Game Room because generally speaking, my other
6 center, it's just an additional amenity. It's not like we're adding
7 a different use of game; of like a ski rink or so.

8 CHAIRMAN MAMMINA: It creates revenue for you, which is fine.

9 MR. MOHABIR: We need a --

10 CHAIRMAN MAMMINA: Everybody wants to make money.

11 MEMBER HERNANDEZ: Absolutely.

12 CHAIRMAN MAMMINA: And we get that. And yeah, my kids went to
13 parties in bowling allies and that sort of thing, and I think where
14 counsel is going along with Member Donatelli is, have you looked at,
15 you know, that balancing? And then the 9-foot parking spaces, we've
16 done that very frequently in shopping centers and things because we
17 know that shopping centers at Christmas time or a Saturday is going
18 to need those extra parking spaces. Your bowling alley is going to
19 need those extra -- will need additional spaces, you know, in,
20 whatever, Saturday, Sunday.

21 VICE CHAIRMAN FRANCIS: Summer.

22 CHAIRMAN MAMMINA: Summertime, maybe, on some extent. I don't
23 know, and so -- we're trying to do that balancing test. I hate it
24 when there's a winner and a loser. That means somebody's lost.

25 MR. SANDY: Someone going to be a little unhappy.

26 DEPUTY TOWN ATTORNEY ALGIOS: I think what the Board is saying

1 that maybe by reducing maybe part of the arcade, or some of the space
2 inside, and reducing the parking, the proposed parking spaces, you
3 may just need a very small parking variance, and then, of course,
4 you need a parking variance for the reduced stall size. Now, with
5 that, you would also need to do a traffic -- get a traffic report -- a
6 parking study, but that may benefit you as well because when the
7 parking engineer, the traffic engineer comes, typically, what they
8 will explain to the Board, which I think you alluded to is, the car
9 that comes, the same car, may have mom, dad, and the two kids in the
10 back, and the kids are going to use the arcade, and the parents are
11 going to go bowl, and the whole family is going to order some foods
12 from the restaurant, but that's one car, even though that load is
13 spread out, you know, among the uses of the space.

14 MR. SANDY: Right.

15 MS. WAGNER: Or you have a bus come and dropping off school kids
16 that are using the bowling alley.

17 MR. MOHABIR: Correct. Elementary. High school.

18 DEPUTY TOWN ATTORNEY ALGIOS: So it's one vehicle, not three
19 or four vehicles.

20 MEMBER DONATELLI: I think the point is that you have
21 alternatives.

22 VICE CHAIRMAN FRANCIS: Yes.

23 MEMBER DONATELLI: And, you know, I would want to see a traffic
24 study. I would want to -- so that -- and we always review traffic
25 study when we have applications such as this, but there are
26 alternatives to try and achieve something similar to what you're

1 trying to achieve without removing the buffer. I think you're
2 hearing from this Board a great deal of skepticism.

3 MR. SANDY: Right.

4 MEMBER DONATELLI: Because part of what we have to do, like I
5 said before, is to weigh the interest of the community.

6 MR. SANDY: So 100 percent. It was never desire remove the
7 buffer just to remove the buffer.

8 VICE CHAIRMAN FRANCIS: No, we get that.

9 MR. SANDY: We would like to go back. Get the study, the
10 traffic study, the parking study. Analyze 9-foot parking spaces
11 recommended. Play around with the occupancy level between the
12 arcade and everything else. Comply new plans where we do not request
13 removing buffer because that's clearly a nonstarter, and try to
14 comply with everything, and get it pushed through.

15 CHAIRMAN MAMMINA: I'm sure your architect is very competent.
16 Let's look at a plan of here's where it complies, and here's why that
17 doesn't work, okay? And here's where we comply, but we need a little
18 relief here or there. We do a balancing test.

19 MR. SANDY: Right.

20 CHAIRMAN MAMMINA: That's what we're here for. We're not here
21 for what the code says. It's 20 feet. That's it. Otherwise, you
22 don't need a Zoning Board. Every municipality in the state of New
23 York is required to have a Zoning Board.

24 MR. SANDY: Right.

25 MEMBER DONATELLI: May I address before we go on to another
26 subject. I said a traffic study. I meant a parking study.

1 VICE CHAIRMAN FRANCIS: Yeah, a parking study.

2 MR. SANDY: Yeah, I got it. A parking study down, sure. So
3 I believe that we're all in agreement that's what we need to do in
4 order to come back and present something that's more palpable to you
5 and with all the neighbors.

6 MEMBER GOODSELL: We do want to hear from the neighbors, but
7 I think, in all fairness, I have to tell you.

8 MR. SANDY: Yeah.

9 MEMBER GOODSELL: For 42 years, I lived two blocks away from
10 there. I'm not on your list because I'm too far away, but my kids
11 went to this bowling alley. I know this bowling alley. I went to
12 this bowling alley. I was one of the neighbors who snuck through
13 the hole in the fence to get to the movie theatre until it was closed
14 up. Apologies to the neighbors. I am very against removing the
15 buffer. I think it creates exactly what the town intended it to;
16 a space between commercial property and residential property.

17 MR. SANDY: Sure.

18 MEMBER GOODSELL: And it allows the residences to know that
19 they're not gonna have cars parked in front of their houses during
20 a busy night. It gives them a sense of residential property. So
21 I, as one Board Member, I'm very skeptical about removing the buffer.

22 MR. SANDY: I mean, it's clear that that buffer is not going
23 to be removed. So, you know, coming back and even trying to get that
24 would just be ridiculous. So as stated we'll configure occupancy.
25 We'll get the necessary studies, and we will come back with a proposed
26 plan that does not include removing the buffer. I know you want

1 listen to them, but that's not going to be presented, and there's
2 an army behind me who doesn't want it. That will not be done.

3 MS. WAGNER: You'll have to go back. Submit that plan to the
4 Building Department. They will generate a new notice of disapproval
5 based on if you do, in fact, still need a parking -- like will require
6 a parking variance.

7 MR. SANDY: Right.

8 MS. WAGNER: It'll be a different variance, so you will have
9 to come back to the Board, re-notice. There'll be a similar process,
10 but the application will still stay open, but it will be different.
11 Probably most likely different variances that are required. You
12 give us the backup information of the parking study, and any trip
13 generation numbers to show traffic impact.

14 CHAIRMAN MAMMINA: Just so, for your architect as well, or if
15 you have a civil engineer that's going to do this if there is one,
16 which you don't have to have. You might want to look at the backup
17 space between the cars that are perpendicular. If it says 24 feet,
18 maybe can get reduced to 20. I don't know. I'm just saying. Be
19 creative within reason and let's look at how that works. We're not
20 here to put the bowling alley out of business. I don't think anything
21 I read from the neighbors said let's put the bowling alley out of
22 business. Clearly, they certainly bring to mind vintage then when
23 I was in junior high school and high school, but let's see how we
24 do it.

25 MR. PARK: Can I ask one question?

26 CHAIRMAN MAMMINA: Of course.

1 MR. PARK: Is it possible we can reduce the size of the
2 landscape?

3 CHAIRMAN MAMMINA: Of which? I'm sorry?

4 MEMBER GOODSSELL: Reduce the size of the landscape.

5 MR. PARK: It's 15 feet this one. Is it possible we can keep
6 like 3 feet?

7 CHAIRMAN MAMMINA: No, we're not gonna touch -- that landscape
8 buffer has been there forever. It's beautiful trees.

9 MR. SANDY: I just went to the property yesterday and I saw it.

10 CHAIRMAN MAMMINA: They're mature trees. They're almost as
11 old as me.

12 MR. SANDY: The landscape buffer will not be touched in order
13 to accomplish. At all.

14 CHAIRMAN MAMMINA: I appreciate you --

15 MR. SANDY: I mean, we got to try it. But it's clear that the
16 15 foot will remain, and we will figure out, whatever we need to figure
17 out to make this work 'cause we have to, right? I mean, this is
18 not -- it's been bought. The property's been bought. A big
19 investment, and it's good for the community. When it's all said and
20 done, you're all close by, I think you can come and see it. If you
21 want to go to Astoria Bowl and see what's been there to get an idea
22 what's coming. It's gonna be done state of the art, and something
23 good for everybody. It is business. I'm not taking that away.

24 CHAIRMAN MAMMINA: Every person sitting on this Board has their
25 own independent business. We all understand.

26 MR. SANDY: I didn't want to make that we're just trying to do

1 good for the community.

2 CHAIRMAN MAMMINA: I appreciate everything you're saying.

3 Terrific presentation.

4 MEMBER DONATELLI: We want business to succeed. But as the
5 chairman said and as I've tried to say you, we have a balancing test
6 that we do, so we need to be careful of both sides.

7 MR. SANDY: I think we underestimated the importance of the
8 buffer.

9 CHAIRMAN MAMMINA: I agree.

10 MEMBER DONATELLI: And there are alternatives.

11 MR. SANDY: Right, exactly. Now, we'll go to the alternatives.
12 I think it was the easiest way, which wasn't the correct way. That's
13 clear to come here, and now, we have to go back to the drawing board
14 and do it properly with keeping the buffer in place as well the fences
15 and anything else that's required to.

16 CHAIRMAN MAMMINA: We appreciate that all around.

17 MR. SANDY: All right.

18 CHAIRMAN MAMMINA: Sir, I can say, I'm assuming that's your
19 lovely wife back there.

20 MR. MOHABIR: Yes.

21 CHAIRMAN MAMMINA: We're not looking to put you out of business.
22 Far from it. Not at all. We're all about business.

23 MR. MOHABIR: I appreciate that.

24 CHAIRMAN MAMMINA: The Town Board is as well.

25 DEPUTY TOWN ATTORNEY ALGIOS: Correct.

26 MR. SANDY: So I guess with that point, is there anything else

1 at this point that you would like to address?

2 CHAIRMAN MAMMINA: The only thing that I would like to do -- for
3 the neighbors. You're absolutely free to come up and address the
4 Board, but I think you get the feeling that they're not going to take
5 the buffer away. I mean, we can see how many people are there. We've
6 a sign-in sheet, so. Again, anyone who would like to come and say
7 something, you're welcome to do that, but I think clearly, the buffer
8 is not gonna go away.

9 MEMBER DONATELLI: You've sat here very patiently. We're
10 happy to hear you if you want to speak.

11 CHAIRMAN MAMMINA: Anyone?

12 MS. WAGNER: We have a sign-in sheet. We'll just call.

13 MR. SANDY: Can I ask the Board one question?

14 CHAIRMAN MAMMINA: Sure.

15 MR. SANDY: With respect to the kitchen expansion and so forth,
16 is that something that we'll get to when we come with everything in
17 totality?

18 CHAIRMAN MAMMINA: I don't think -- you're not gonna come back,
19 necessarily.

20 VICE CHAIRMAN FRANCIS: No, you're not gonna come back.

21 MS. WAGNER: No, I think they're gonna need to come back.
22 Because they're probably going to need to get a parking variance.

23 VICE CHAIRMAN FRANCIS: Oh, you're right.

24 CHAIRMAN MAMMINA: You're right.

25 MR. SANDY: So we can address that all together in one shot,
26 right?

1 VICE CHAIRMAN FRANCIS: Correct.

2 CHAIRMAN MAMMINA: We're going to call them off the list.

3 MS. WAGNER: Shirley Young.

4 UNIDENTIFIED SPEAKER: She had an appointment.

5 MS. WAGNER: Oh, okay. Irene Gong.

6 MS. GONG: Here.

7 MS. WAGNER: You want to speak?

8 MS. GONG: Me?

9 VICE CHAIRMAN FRANCIS: You don't have to.

10 MEMBER HERNANDEZ: We're not forcing you.

11 MS. WAGNER: We're just going by the list.

12 MS. GONG: Okay. You already answer --

13 VICE CHAIRMAN FRANCIS: Name and address.

14 MS. GONG: Oh, sorry. Irene Gong, and I'm at 114 Schumacher
15 Avenue, New Hyde Park, and I live alongside the backyard where the
16 buffer is, and you have answered questions that it's not gonna be
17 removed, and I'm happy to hear that because that really give us the
18 privacy of our own home, and without the trees and the bushes, we
19 see Hillside Avenue. All the commercial stores, so we're being
20 exposed. So with this not being done, I could cut my list down to
21 20. I won't take any more of your time. Thank you so much for being
22 considerate as residents here, and on behalf -- and the benefit of
23 the residents. Thank you.

24 CHAIRMAN MAMMINA: We appreciate that. We think of the
25 residents. We have to think of the business as well.

26 Anyone else again? You can just also say you agree with what

1 Ms. Gong said, but we're going to call it.

2 MS. WAGNER: Angela Able.

3 MS. ABLE: Is it okay if I read my notes?

4 CHAIRMAN MAMMINA: Sure. If you're going to read, just read
5 slowly because she has to type.

6 MS. ABLE: Good afternoon, Members of the Board. My name is
7 Angela Able. I'm a resident for 16 years, and I live at 8 Camp Lane,
8 directly behind Bowl 360, located at 465 Herricks Road. I'm here
9 to formally express my opposition to the proposed variance of the
10 landscaping at Bowl 360.

11 As a concerned resident and property owner of this community,
12 I believe that granting this variance would have a detrimental effect
13 on the aesthetic and environmental and property value aspects of our
14 neighborhood. These are my concerns. The aesthetic impact.
15 Allowing the variance would undermine the cohesive well-maintained
16 appearance of our neighborhood as we have all worked so hard to
17 cultivate. Landscaping requirements are an important aspect of
18 maintaining the visual appeal and character of our area. A deviation
19 from these standards would create an eyesore, and distract of the
20 overall beauty of our surroundings.

21 My second concern is the environmental considerations.
22 Landscaping plays an essential role in controlling erosion, water
23 irrigation, and the maintenance of a healthy urban ecosystem. A lot
24 of our natural wildlife will be displaced.

25 My third concern is the property value impact. One of the key
26 factors that helps sustain or increase property values in any

1 community is the visual and environmental quality of the area. By
2 deviating from the established landscape requirement, this variance
3 could set a precedent, which would lower property values in the
4 neighborhood affecting the investments of the homeowners.

5 My final concern is setting the precedent for future variances.
6 If this variance is granted it may open the door for other property
7 owners to request similar deviations. This could potentially lead
8 to a domino effect where the neighborhood's landscaping standards
9 are continually weakened and undermining the integrity of our
10 community.

11 I respectfully urge the Board to consider the long term
12 implications of granting this variance, and to uphold the existing
13 landscaping regulations of the town code. The wellbeing of the
14 community, both in terms of its appearance and environment depend
15 on maintaining these standards.

16 Thank you for taking the time to consider my concerns, and I
17 trust that you will make the decision that best serves the interests
18 of our neighborhood and its residents. Thank you.

19 CHAIRMAN MAMMINA: Thank you for coming down.

20 MS. WAGNER: Mie Kramer?

21 MS. KRAMER: Yes. I'll let my husband speak.

22 MS. WAGNER: Are you Alan?

23 MR. KRAMER: Yes. Alan Kramer, 12 Kemp Lane, New Hyde Park,
24 New York, 11040. My wife Mie and I have lived behind the bowling
25 alley for 47 years, and those 45 years that Herrill Lanes were fine,
26 very good neighbors, and the new Bowl 360, I have no reason to not

1 to feel the same. The fence was always maintained, repaired. The
2 landscaping was there when we bought the house. The landscaping was
3 there when the new property owners bought the bowling alley. Just,
4 you've addressed obviously the main concerns that we had the about
5 the efficient screening of the property. But just as an aside to
6 what I heard today from the owner and all, my wife and I, when Herrill
7 Lanes, their business declined and it got quiet back there, and we
8 saw the new ownership come in, we were very hopeful that they succeed
9 and make a profit and do well. For the obvious reason that we're
10 much happier to have a bowling alley than a Home Depot, and so I would
11 just say, as they go forward to revise the plans, hopefully, it'll
12 be done in a safe manner and won't impose people parking in front
13 of our houses. But we are supportive, and to the extent that we can
14 be involved with any issues, I would love to see that happen as well.
15 So thank you for your time.

16 VICE CHAIRMAN FRANCIS: Thank you. Anyone else?

17 MS. WAGNER: Antice Gramine. Sorry, if I didn't pronounce the
18 name correctly.

19 MS. GRAMINE: My son is going to talk.

20 MS. WAGNER: You're not gonna talk? Grace. Are you going to
21 speak, sir?

22 MS. GRAMINE: My son.

23 MR. GRAMINE: I'll speak a little bit, yes.

24 CHAIRMAN MAMMINA: Doesn't matter.

25 MR. GRAMINE: I'm not prepared as well as you.

26 CHAIRMAN MAMMINA: You don't need to be prepared.

1 MR. GRAMINE: How you doing? Good afternoon. My name is Jimmy
2 Gramine. I've been living at 46 for over 40 years. I know Herrill
3 Lanes. I've worked there. I have local balls. Like, I mean, I have
4 no problem with, again, business conducting, but that buffer is very
5 important. I'm very happy that you guys have addressed that part
6 because I've been witness to multiple car fires. I've actually
7 called the fire department one time 'cause I have seen the catalytic
8 converter start to catch fire through my backyard. As much as the
9 fire department they are well equipped, they will never get there
10 in time. That car was engulfed within minutes, and the only thing
11 that prevented my garage with my nice cars in there that I own from
12 burning down was that buffer zone. All of these properties have
13 garages and legal up against, you know, and that's why we have that,
14 you know, buffer zone.

15 I'm not a lawyer. I do see it as an issue with the subdivision.
16 That parking, no offense, I think someone should seek legal counsel
17 because the owners -- something happened. Something happened with
18 you guys with the subdivision, and I don't believe a parking space
19 should now be added because you subdivided something. Everybody
20 would do that. Everybody would take one property, subdivide it, and
21 say, okay, well, you need all these parking spaces now. Like that's
22 not -- there's some attorney that's got to get involved in that part.
23 My suggestion is you have to approach CVS. I do.

24 I have side businesses. I do plowing, and what happens is
25 there's lots that they share. Home Depot shares lots with other,
26 and what happens is, if they put like a wall up, they're almost -- they

1 don't want to be your neighbor CVS. So my suggestion is you approach
2 CVS. They're another commercial. You're a property owner. You go
3 to them. How we can figure out this? CVS they're not gonna go in
4 there for hours. They're gonna go in there for two minutes. They
5 don't need all that parking space. It's gonna be a big gigantic CVS
6 with a lot of the parking spaces that you guys should enjoy, so
7 approach them with some type of an offer. I mean, how many times
8 you go to CVS? We go there, we spend five minutes. Picking up, you
9 know, prescriptions or something like that. If they take away your
10 parking space, it is also gonna create an issue.

11 I don't want to open up a can of worms with the whole bus thing,
12 but they're not supposed to be idling buses. I have -- I don't wanna
13 start that whole thing, but I would like to tell you something later
14 about it because again, I don't want to open a can of worms with the
15 EPA standards on, but your school, your clients, the school bus
16 companies, and the schools are gonna be having kids there. There's
17 gonna be more of issue. I never brought it up to the previous owners.
18 I tried, actually. I did. They, obviously, they were like, oh, we
19 can't do anything about it. I stopped. I actually approach the
20 drivers. I try to educate the drivers that you cannot idle those
21 buses, so they were doing it in the front, and I was actually telling
22 them all kinds -- I wasn't calling the EPA. I'm not that person,
23 and I was -- 'cause the driver was gonna get a fine. The bus companies
24 get a fine, and the property owner's gonna get a fine, and it is not
25 cheap. So I would address CVS 'cause -- before they start
26 construction. You could share the parking spots with them. Trust

1 me.

2 CHAIRMAN MAMMINA: Thank you very much.

3 MR. GRAMINE: Oh, also, too. That buffer zone. There was
4 uncontrolled vehicles that actually ran the tree and the only thing
5 that stopped them were those trees. It happens. I'm telling you.

6 CHAIRMAN MAMMINA: Those are big trees.

7 MR. GRAMINE: Yeah, they're big, and they'll stop, so. Thank
8 you for your time.

9 DEPUTY TOWN ATTORNEY ALGIOS: Thank you.

10 CHAIRMAN MAMMINA: Thank you.

11 MS. WAGNER: That's the last person I have on the list. Is
12 there anybody else that would like to speak regarding this
13 application?

14 CHAIRMAN MAMMINA: Any closing statements?

15 DEPUTY TOWN ATTORNEY ALGIOS: We're going to continue.

16 MR. SANDY: Just that we understand the concerns. My client
17 has no intention of selling to Home Depot. You're safe there.

18 MR. GRAMINE: No, I was just referring Home Depot shares.

19 MR. SANDY: I know. No, I'm talking to this gentleman for that.

20 MR. GRAMINE: Oh, I'm sorry.

21 MR. SANDY: We thank you for your time and consideration and
22 for pointing out certain things that we could look into as well as
23 all the guidance you gave, and we will come back with a better plan
24 in place.

25 CHAIRMAN MAMMINA: Okay. We appreciate that.

26 DEPUTY TOWN ATTORNEY ALGIOS: So your appeal will be continued.

1 MR. SANDY: Yes, please. Thank you.

2 MS. WAGNER: If you have any questions about the process, you
3 can call the Zoning Board office, and we will let you know how to
4 get those plans through and re-evaluate and whatever other
5 information, and then we'll reschedule you for another hearing
6 depending on the notice of disapproval.

7 MR. SANDY: We appreciate that. Thank you so much.

8 MR. MOHABIR: Thank you.

9 VICE CHAIRMAN FRANCIS: Thank you.
10

11 MS. WAGNER: This is 21 Park Avenue, Port Washington. Remember
12 that?

13 MEMBER DONATELLI: Yes.

14 MEMBER HERNANDEZ: The carport.

15 MS. WAGNER: The carport, right. This is Appeal #21707,
16 Matthew Gammons, 21 Park Avenue, Port Washington, Section 21 Park
17 Avenue, Port Washington; Section 6, Block 2, Lot 271; Zoned:
18 Residence C.

19 Variances from 70-100.1.A and 70-100.1.B to legalize a carport
20 attached to a nonconforming detached garage that is located in the
21 front yard (not permitted) and to legalize a shed attached to a
22 nonconforming detached garage that is located too close to the rear
23 property line.

24 CHAIRMAN MAMMINA: We have a motion?

25 MEMBER DONATELLI: So my motion is as follows, I make a motion
26 that we grant the application in as far as the shed is concerned.

1 I make a motion that -- and note that the applicant has indicated
2 their willingness necessary to remove the carport. Therefore, I
3 think it appropriate that we -- that my motion include denying the
4 carport. So we're granting the application in part. Denying the
5 application in part. But on the condition that the railing that
6 currently exists for on the parking pad remain standing.

7 CHAIRMAN MAMMINA: In conformance with the Building Department
8 regulation.

9 MEMBER DONATELLI: In conformance with the Building Department
10 regulation.

11 DEPUTY TOWN ATTORNEY ALGIOS: What about the -- if for some
12 reason --

13 MEMBER HERNANDEZ: The parking itself.

14 DEPUTY TOWN ATTORNEY ALGIOS: The concrete parking.

15 MEMBER DONATELLI: The concrete parking area can remain. That
16 was not the subject.

17 DEPUTY TOWN ATTORNEY ALGIOS: I just want them to look at that
18 as one whole --

19 MEMBER DONATELLI: It can remain.

20 CHAIRMAN MAMMINA: In terms of --

21 MEMBER DONATELLI: What I want is removal of the roof of the
22 carport and the structure that had been supporting the roof columns
23 that had been --

24 MEMBER HERNANDEZ: A portion which holds the roof.

25 MEMBER DONATELLI: Right. So that's my motion.

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

1 MEMBER HERNANDEZ: Second.

2 CHAIRMAN MAMMINA: Second by Member Hernandez. Please poll
3 the Board.

4 MS. WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 MS. WAGNER: Member Donatelli?

7 MEMBER DONATELLI: Aye.

8 MS. WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 MS. WAGNER: Vice Chairman Francis?

11 VICE CHAIRMAN FRANCIS: Aye.

12 MS. WAGNER: Chairman Mammina?

13 CHAIRMAN MAMMINA: Aye. So the application is granted with
14 stipulations.

15 MS. WAGNER: Granted in part and denied in part.

16 CHAIRMAN MAMMINA: That's a better way to say it.

17

18 MS. WAGNER: SEQRA?

19 MEMBER DONATELLI: I make we motion that we adopt SEQRA.

20 CHAIRMAN MAMMINA: Motion by Member Donatelli.

21 MEMBER HERNANDEZ: Second.

22 CHAIRMAN MAMMINA: Second by Member Hernandez.

23 MS. WAGNER: We have an extension of time.

24 DEPUTY TOWN ATTORNEY ALGIOS: SEQRA Dan and Jay?

25 CHAIRMAN MAMMINA: Yes.

26

1 MS. WAGNER: Extension time for Appeal #21245. It's in the
2 main folder. It's for property located at 29 Orchard Lane in
3 Albertson. They got a variance to construct additions and
4 renovations involving more than 50 percent of the original
5 nonconforming dwelling that is too close to the street. Required
6 aggregate side yards and a generator too close to the side property
7 was granted by the Board on June 22 of 2022.

8 CHAIRMAN MAMMINA: We have a request for an extension of time.

9 MEMBER DONATELLI: This is the first extension?

10 MS. WAGNER: I believe this -- yeah because the variances are
11 good for three years and so now --

12 MEMBER DONATELLI: Right.

13 MEMBER HERNANDEZ: So they haven't done anything? They
14 haven't built yet?

15 MS. WAGNER: Right.

16 MEMBER GOODSSELL: That's not in information with prior
17 approvals?

18 MS. WAGNER: It's in the main folder.

19 MEMBER GOODSSELL: Oh, it's in the main folder, okay.

20 (Whereupon, a discussion was held between Board Members.)

21 MEMBER DONATELLI: I make the motion that we grant the
22 application for extension of time.

23 CHAIRMAN MAMMINA: Do we have a second?

24 VICE CHAIRMAN FRANCIS: Second.

25 MS. WAGNER: Member Goodsell?

26 MEMBER GOODSSELL: Aye.

1 MS. WAGNER: Member Donatelli?

2 MEMBER DONATELLI: Aye.

3 MS. WAGNER: Member Hernandez?

4 MEMBER HERNANDEZ: Aye.

5 MS. WAGNER: Vice Chairman Francis?

6 VICE CHAIRMAN FRANCIS: Aye.

7 MS. WAGNER: Chairman Mammina?

8 CHAIRMAN MAMMINA: Aye.

9 MS. WAGNER: Extension granted.

10 (Whereupon, the Proceedings concluded at 12:59 P.M.)

11

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 or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of July, 2025.



MARIESEL BERRIOS