

1 Town of North Hempstead

2 Board of Zoning Appeals

3 PUBLIC HEARINGS

4
5 Wednesday, November 19, 2025

6 10:00 a.m.

7
8
9 BOARD MEMBERS PRESENT:

10 David Mammina, AIA, Chairman

11 Leslie Francis, Esq., Vice Chairman

12 Patricia A. Goodsell, Esq., Member

13 Daniel D. Donatelli, Esq., Member

14 Jay Hernandez, Member

15
16 ALSO PRESENT:

17 Debra Algios, Deputy Town Attorney

18 Virginia Wagner, Secretary

19 Steven Perrotta, Planner

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

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

4 CHAIRMAN MAMMINA: Good morning, everyone, and welcome to the
5 Town of North Hempstead Zoning Board of Appeals.

6 What I'd like to do is if you've never been before this Board
7 before, we may do things a little bit differently than if you've been
8 in other towns or villages or in New York City Board of Zoning and
9 Appeals. So, we'd just like to go through it so that everybody
10 understands.

11 What we will do is our secretary, Ms. Wagner, will call each
12 case, and after she calls the case, I will ask if there's anyone in
13 the room who has an interest in the case. We have a fairly remarkable
14 small calendar today. I mean, normally we're here at pajama time,
15 but -- so that's okay. You get a treat, but I always say you pay
16 for it another time.

17 So, I will then ask if there's anyone who has an interest in
18 the case, and just a show of hands, and then that person will have
19 the opportunity to speak after the applicant puts their case on the
20 record. We limit that second speaker to three minutes. I like to
21 say we don't chop anybody's head off, you know, at the three minutes,
22 but we -- when the room is packed with people, you know, we have to
23 keep some kind of control on that. So, if there is anyone who wishes
24 to speak, when they are done, the applicant will get the microphone
25 again, and they will be able to then support or refute anything that
26 may have been raised by someone in opposition or support.

1 The Board will then be able to ask questions as we did in that
2 first go round before the second group has an opportunity to speak,
3 and typically, when that is done, and everybody has had their say,
4 the hearing is over. We don't do second hearings here. So, you
5 know, this is the one time you'll come. You know, I don't want to
6 say this is your day, you know, but I've been to villages where you
7 go ten times, and then you get denied, but I'd like to believe that's
8 more the exception than the rule, and then when we're done with that,
9 the Board will do one of four things.

10 We'll either deny the application. We will approve the
11 application. We may continue the application. If we ask for
12 another document, we'll continue the application. It could be an
13 old survey. It can then be some other previous approval or something
14 else that you have. It also might be that the Board may potentially
15 offer some kind of a middle of the road, you know, on something. I
16 like to say, please don't take it offensively that it's not Let's
17 Make A Deal, you know, on it, but you know, we're all, you know, we
18 all live in houses. We all pay lots and lots of taxes, and you know,
19 so we understand, and then the fourth would just be that we reserve
20 the application. If we reserve the application, we have all the
21 information that we need. The Board may want to consider it. We
22 may want to go out to the field again. If we don't make a decision
23 that day, every meeting is live. So, you may come down to a second
24 or third meeting to hear the discussion in person. It's called the
25 Sunshine Laws that everything that we do and say has to be open so
26 that everyone can hear it. So, you would have the opportunity for

1 deliberation -- to hear deliberations.

2 There is no -- there is no one from the audience. The applicant,
3 or an attorney does not get the opportunity to ask questions of how
4 we came to certain conclusions. Then we would make a decision there
5 either for or against it. Maybe with some, you know, some
6 modification, then being acceptable, and then that's it, and you
7 needn't come back, as I've repeated myself now.

8 What else?

9 We ask that we all take these electronic things that my
10 nine-year-old granddaughter leaves for school only with this.
11 That's it. They have their laptop. That's what they go to school
12 with. Vastly different when certainly than when I went to school
13 many decades ago. What we ask then is that you put them on silent,
14 so that it doesn't interrupt somebody else when they're making their
15 presentation; confuses the Board, you know, at times. Certainly,
16 we have a wonderful stenographer, but she has to then, you know, type
17 out everything that we say, and also, we ask the same for cell phones.
18 I left mine in the car today. I don't care. It's okay. I get
19 everything here that I get on that.

20 With that also said, if there's anyone else who's coming to the
21 hearing, who's going to join you, that's fine, and just ask them to
22 do the same. If at any time, you have to make a phone call or take
23 a phone call, you can just stand up, go out into the lobby area. I
24 like to say, we are certainly all ladies and gentlemen. That is what
25 we have always experienced, and feel free to do that. You may have
26 the call of nature, and you can do the same thing as well.

1 So, with that said, Ms. Wagner, do we have any modifications
2 to today's calendar?

3 SECRETARY WAGNER: No, we do not.

4 CHAIRMAN MAMMINA: So, please call the first case.

5
6 SECRETARY WAGNER: Appeal #21758, Russell B and Stephanie
7 Zuckerman; 59 Bayview Avenue, Port Washington; Section 5, Block 50,
8 Lot 160; Zoned: Residence C.

9 Variances from 70-48.C, 70-46.A, 70-52.6 and 70-208.F to
10 construct additions to a non-conforming home that make it too big,
11 too tall and with eaves that are too tall.

12 CHAIRMAN MAMMINA: You heard Appeal #21758, Russell and
13 Stephanie Zuckerman. Is there anybody in the room who wishes to
14 speak regarding the application?

15 (Whereupon, no response was given.)

16 CHAIRMAN MAMMINA: Seeing no one. Please give your name and
17 address.

18 MR. SAHN: Good morning, Mr. Chairman, Members of the Board.
19 Michael Sahn of Sahn Ward Braff Coschignano, 333 Earle Ovington
20 Boulevard, Uniondale, New York. We are pleased to appear today
21 before you to present this application. Let me introduce Russell
22 Zuckerman, the owner of the property, who's attending the hearing,
23 and he's in the hearing room.

24 CHAIRMAN MAMMINA: Good morning to you, sir.

25 MR. ZUCKERMAN: Morning.

26 MR. SAHN: Also, attending and assisting me in the preparation

1 is the architect for the project, Gary Lewandowski, who is standing
2 before the Board also.

3 MR. LEWANDOWSKI: Good morning.

4 CHAIRMAN MAMMINA: Good morning.

5 MR. SAHN: I would also like to introduce one of our firm
6 associates, Samuel Epstein, who is present and has helped prepare
7 the application.

8 CHAIRMAN MAMMINA: Good morning.

9 MR. EPSTEIN: Good morning.

10 CHAIRMAN MAMMINA: Congratulations.

11 MR. EPSTEIN: Thank you.

12 MR. SAHN: Thank you, Mr. Chairman.

13 MEMBER DONATELLI: So, you accounted for almost everyone in the
14 room.

15 CHAIRMAN MAMMINA: Off the record.

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

17 MR. SAHN: Let me begin with housekeeping, presenting several
18 of the certificated mail cards that came in subsequent to the mailing.

19 SECRETARY WAGNER: Thank you.

20 MR. SAHN: Thank you very much. Also, we submitted through the
21 portal, a series of consents from the neighbors to this property,
22 and I have copies of them. I don't know if the Board has seen those,
23 but these consents are from all of the adjacent owners of Bayview
24 Avenue. This is a unique property, as we'll describe. It runs from
25 Bayview all the way through to Preston Street. So given that
26 uniqueness, we were able to speak to all the neighbors. Mr.

1 Zuckerman knows all his neighbors, and they all have consented. The
2 property, as you'll see and as we describe, really has no impact on
3 Preston. So, we did not seek the approval or consent of those
4 residents. Although I will note that they did receive the required
5 mailings pursuant to the Board's rules.

6 So, if I can, I'd like to submit these consents, even though
7 the others were submitted through the portal.

8 MR. PERROTTA: Thank you.

9 SECRETARY WAGNER: Do you want to call that Exhibit 1?

10 MR. SAHN: If I could, thank you.

11 SECRETARY WAGNER: Okay.

12 MR. SAHN: Let me please review the application in brief summary
13 form, and then I can ask Mr. Lewandowski to talk about the plans.
14 I also want to mention that the Board should've received a Memorandum
15 of Facts and Law that we presented in advance. So, I don't want to
16 be repetitive of everything in that memorandum, but I appreciate the
17 Board having had the time to review it.

18 As indicated in the legal notice, this is an application for
19 area variances to construct additions and alterations to the existing
20 non-conforming home at 59 Bayview Avenue in Port Washington. It is
21 known and designated as Section 5, Block 50, Lot 160 on the Nassau
22 County Land and Tax Map. It is located on the north side of Bayview
23 Avenue, and it is within the Residence C zoning district.

24 As shown on the plans that Mr. Lewandowski prepared, the
25 premises are rectangular in shape with a front and rear lot line of
26 77 feet and side lot lines of 138 feet. As I mentioned, this is a

1 very unique parcel of property. It runs from street to street.
2 Fronting on Bayview, running all the way through to Preston. It has
3 10,626 square feet of lot area. So, essentially, although it's in
4 the Residence C district, which requires 5,000 square feet of lot
5 area, this is a double lot. In essence, it's a double lot, having
6 actually more than the requisite for two separate Residential C lots.

7 It is also unique in the sense that this house, the existing
8 house, was built in 1895. It's non-conforming obviously because it
9 predates the ordinance and the incorporation of this area for many,
10 many years. It is a Victorian style. Not many people have an
11 affinity to Victorian style presently, but Mr. Zuckerman does, and
12 he purchased the house in 2020 because of his passion for this style
13 of house, and for the fact that he had a passion to live in Port
14 Washington and felt this was a wonderful area to reside with his
15 family, and as a result, he retained Mr. Lewandowski to develop a
16 plan to create several, what we believe, are reasonable alterations
17 and additions to the home while preserving its character.

18 He could have, as I'm sure the Board will note, demolished the
19 home and started over, and could've built in accordance with the code.
20 On the other hand, since this is the house he wanted, this is his
21 passion to have a Victorian-style house that brought us to the Board
22 today.

23 I'll also indicate that the house is unique in the sense that
24 there's the main house, and there's a detached garage that's on the
25 westerly side. That garage has 395 square feet of area. No changes
26 are proposed to the garage. Only to the house, but because it's

1 non-conforming in that location, that 395 square feet of area is
2 counted in the Building Department's determinations of what is the
3 permitted square footage on this 10,600-square-foot lot.

4 With that said, I would like to also submit at this point a
5 booklet of photographs of the property and the surrounding area. I
6 believe that the original photos were submitted through the portal,
7 but I think it's easier if I submit this to the Board.

8 SECRETARY WAGNER: This will be Exhibit 2.

9 MR. SAHN: Thank you. I have one for each Board Member and for
10 your counsel.

11 So, with your permission, as they're distributed, I would just
12 like to briefly go through the booklet and highlight the photos.
13 Although I know that the Board has made the required inspections,
14 and is very familiar with it.

15 The first is a Google Earth photograph of the subject premises,
16 and you can see how it's situated on the property running from Bayview
17 to Preston.

18 The next photograph is a view of the premises from the street,
19 and notably, on this view, it shows how there is dense landscaping
20 all around the premises, and particularly in the front, and that
21 landscaping is proposed to be maintained in this application. No
22 changes are proposed to the landscaping. To the contrary, the
23 landscaping will be only enhanced and maintained.

24 The next photograph, again, is a front view of the premises,
25 but taken from across the street to give you a better perspective
26 of the existing landscaping and the home as it sits on the property

1 behind that landscaping.

2 The next photograph is taken from within the property itself,
3 and it shows the home, again, with landscaping around it, and the
4 driveway, and behind the car that's in the driveway, you can see the
5 detached garage at the rear.

6 The next photograph is a view from Preston Street. Taken on
7 the street looking back to the property, and you'll see again, from
8 this photograph, that there's such abundant landscaping on Preston
9 Street that virtually the property is not visible at all.

10 Then we have a view of the property from the eastern side facing
11 south that shows the rear of the home, and that side of the home.

12 That completes the photographs. Just to give the Board more
13 perspective on the property as it now exists and will exist in
14 essentially the same form.

15 The Building Department issued a Notice of Disapproval dated
16 September 4, 2025, and the Building Department cited several area
17 variances that are needed for the proposed plans.

18 The first, and the one that we will discuss in the greatest
19 detail obviously, is the variance for gross floor area. The gross
20 floor area, as indicated on the plans and the Notice of Disapproval,
21 is proposed at 3,665 square feet. Well, although under the code,
22 strictly 2,800 square feet is the allowable gross floor area.

23 The requirement of 6,000 square -- of the 3,665-square-foot
24 variance, we asked the Board to consider a number of factors that
25 will go into greater detail, but in this instance, the applicant had
26 been hopeful to take advantage of the ability to achieve the allowable

1 square footage of 3,400 square footage in a Residential B zone, the
2 so-called, and I personally don't like the term, bump-up square
3 footage, but because of the non-conformities including the garage,
4 the applicant was not able to take advantage of that. Therefore,
5 we do require, technically by code, the variance from 2,800 to 3,665
6 square feet. I'd also ask the Board to consider, in that regard,
7 that the existing square footage on the property is 2,868.9 square
8 feet. So, as it sits on this property, the house built in 1895 is
9 already over the allowable.

10 The Building Department also noted that we need a ridge height
11 variance. The ridge height proposed is 30 feet 11 inches. The
12 allowable is 30 feet. So, we're talking about an 11-inch variance,
13 which is de minimis.

14 The Building Department also noted that we require an eave
15 height variance; 25.01 feet is proposed, 22 feet is the allowable
16 eave height. Actually, in this instance, to do his very best to seek
17 compliance with the code, Mr. Lewandowski, on the plans, has reduced
18 the existing eave height by 3.01 feet. So, that -- although, we need
19 a variance, it's lesser than now exists. So, we're trying to come
20 into compliance, and Mr. Lewandowski will explain that further.

21 We also require a variance, generalized variance, under Section
22 70-208.F for alterations to a non-conforming building, including the
23 alteration proposed to the attic, which was actually finished in
24 1938.

25 We are aware from Mr. Perrotta and the Building Department there
26 is one other variance that was not advertised for today's hearing

1 for the existing piers in the front of the house separate and apart
2 from what's before the Board today, and we will apply for that and
3 seek that in a separate application. It really has no bearing on
4 any of the relief we're asking for today.

5 With respect to the proposed plans. Again, we are seeking, as
6 shown, one-story additions on either side of the building, and at
7 the rear to create a breakfast area, an improved kitchen, an improved
8 and better dining room, a guest room, and an office for Mr. Zuckerman.

9 On the second floor, there are improvements required and
10 requested for a master bedroom with closets, a master bath, a
11 staircase for improved ability to go up and down in this old home,
12 and we are also seeking approval for a balcony at the rear of the
13 attic. Again, the attic is already finished. It was done so in
14 1938, but it would be a wonderful amenity to have this attic that
15 you can walk through to a balcony at the rear and enjoy the beauty
16 of the view out over Port Washington.

17 With that said, unless there are any questions, I'll ask Mr.
18 Lewandowski to go into detail about his plans.

19 CHAIRMAN MAMMINA: Any questions I have will go to Mr.
20 Lewandowski.

21 MR. SAHN: What? I'm sorry.

22 CHAIRMAN MAMMINA: Any questions that I have will go to Mr.
23 Lewandowski, and my wife tells me that my voice has softened, which
24 I think is a good thing.

25 MR. SAHN: That's a good thing, and I will say, I'm glad that
26 Mr. Lewandowski will get your questions.

1 MEMBER DONATELLI: Very good.

2 MR. SAHN: That's the expert. So, Mr. Lewandowski, if you will
3 give your name and address.

4 MR. LEWANDOWSKI: Gary Lewandowski, principal at N2 Design and
5 Architecture, 315 Main Street, Port Washington.

6 CHAIRMAN MAMMINA: I always like to look at people's license
7 number. I still have you by 8,000, so. That's why my hair is gray
8 as well.

9 MR. LEWANDOWSKI: Well, yeah, you know. We only get better in
10 this profession with age.

11 CHAIRMAN MAMMINA: There you go.

12 MR. LEWANDOWSKI: Thank you to the Board for having us, and I
13 will run through quickly what we propose here. We challenge here
14 in this project --

15 MR. PERROTTA: Sir, if you can speak into the mic so that the
16 stenographer can hear you.

17 CHAIRMAN MAMMINA: You can pull the easel over if you choose
18 to.

19 MR. LEWANDOWSKI: I thought I had a not soft voice that this
20 would work. People complain that I talk too loud, but anyway.

21 The challenge with this project --

22 CHAIRMAN MAMMINA: Pull the mic over a little.

23 MEMBER HERNANDEZ: You're on TV.

24 CHAIRMAN MAMMINA: Only because we're on TV as well, so.

25 MR. LEWANDOWSKI: I got it. I hear you.

26 The challenge on this project was that it was obviously a

1 historical type home. As Mr. Sahn had indicated, a beautiful
2 Victorian home that the client loves, and -- but quite frankly, a
3 house built 130 some years ago, doesn't really work for today the
4 way we live. So, that was the challenge, was how to retain the
5 character of the home, but provide the functionality that the client
6 desired.

7 So, we felt pretty strongly that we could work through,
8 including, you know, one of the challenges was how to thread a stair
9 up from the second level up to the attic, which was not really a
10 workable stair as it currently is, but we felt like we could take
11 a riff off of the current kind of dormers on the front that has a
12 terrace that we could provide dormers on the side, which would be
13 in character to how you would do a massing on a Victorian home. And
14 then, there were other inserts of additions on the ground floor, on
15 the ground floor over here, but they were under the open porch, the
16 wraparound porch on the front. So, again, we're being very sensitive
17 to the original massing of the home and trying to work to give the
18 client what he needs without destroying the beauty of the home and
19 just really destroying, what I would call, the gestalt of the home.

20 And then finally, usually where additions are most acceptable
21 in the rear of a home, we place that addition of one ground floor
22 addition for some additional functionality on the first floor, and
23 then above - practically inserted into the roof the existing roof
24 lines and projecting out a primary bedroom suite.

25 So, that's the addition in the rear. Again, we're keeping
26 symmetry. The house has a strong symmetry in terms of the strong

1 roof lines covering it, and a very strong ridge line.

2 So, I'll just walk through the plans. So, existing here is the
3 porch. Actually, the existing porch extends all the way here. So,
4 we're getting in a mudroom underneath the current porch, and over
5 here, an extension on the current kitchen to provide what will be
6 a real dining room. They don't really have a real dining room. It's
7 sort of a very open plan situation here currently. And then on the
8 additional bedroom space, and office space -- the bedroom space is
9 essentially as we find when you get to the point where you're having
10 children and there's the grandparents, you know, you -- there is a
11 lot of hosting of grandparents in the home, and obviously, with
12 elderly parents or grandparents you would like to have them on the
13 ground floor. So, having the ability to provide that with a
14 dedicated bathroom for that.

15 And then finally, on the upper floors, like I said, we're putting
16 out sort of dormered wings to achieve a workable stair getting up
17 to the attic space and additional bedroom space. Again, in today's
18 standards, the rooms that were built 130 years ago don't meet the
19 standards that we have today in terms of room size.

20 And then back here, a primary bedroom suite, and then on the
21 upper level, just extending it. Again, it's sort of a companion
22 dormer in the back is long already in the front. We're putting one
23 in the back as access to a rear terrace -- roof terrace. It's got
24 an incredible view of the waterfront there. So, that will be a great
25 feature for the homeowner.

26 I can show you some before and afters of -- in 3D model, and

1 you know, it's -- sometimes, it's like, Where's Waldo, you know.
2 It's hard to find where the change is because they -- I think what
3 we've done is a very sensitive job of keeping to the character.

4 So, this is existing front. This is proposed front. Hardly
5 any change at all other than a little additional build-out where the
6 mudroom is on the one side. This is on the left side of the home.
7 Again, very, very minor with the addition of mudroom underneath the
8 existing porch. And then for the other two sides, we have the
9 rear -- sorry, or the side.

10 I'm getting turned around. Excuse me. Oh, I had it backwards,
11 I guess. Sorry, excuse me.

12 This is the west. This is the west side. This is the north
13 side of -- sorry. This is the most -- so, north and north.

14 So, we are projecting out in the back with this pavilion, the
15 symmetrical on this block, and projecting out above with the master
16 bedroom.

17 MEMBER GOODSELL: So, if I can? The lower right-hand picture
18 shows the back of the house; is that correct?

19 MR. LEWANDOWSKI: Yeah, this is the rear of the house. This
20 is the side of the -- this is the side -- this is west side. This
21 is the north side.

22 MEMBER GOODSELL: Now, I'm oriented. It's a little confusing.

23 CHAIRMAN MAMMINA: Couple of questions.

24 MR. LEWANDOWSKI: Yes.

25 CHAIRMAN MAMMINA: I guess I -- I love old houses. Town of
26 Southold, Chairman of the Historic Preservation Commission.

1 Is this house designated in any way because --

2 MR. LEWANDOWSKI: It is not designated. It doesn't have any
3 designation.

4 CHAIRMAN MAMMINA: So, it would not go to the Historic
5 Preservation Commission within the town.

6 I just see a couple of things. Just a few. Because generally,
7 I just look at the exterior of a house, you know, what's going on
8 the inside is kind of not anything that I would look at generally;
9 what's going on the back of the house, is not really something that
10 I would look at. I saw the balcony and things coming out is fine.
11 As I look at the photos of the house, the dormers that are on the
12 side look like doghouse dormers. Now, that's not usual that they're
13 not the same on all three sides, but as I look at the drawing, that's
14 not the case, and that could just be the angle of the photo. I guess,
15 I'm looking at the second photo, where we see the garage, the car,
16 and the front of the house. So, the dormer just looks like it's
17 thinner in there, you know. Doesn't really seem the case as I look
18 at the drawings. What I do see when I look at the drawings, and I
19 look at the existing -- the existing drawing of the second floor,
20 the dormers now project out beyond the sloping portion, which is not
21 shown in the existing condition drawing, when looking at the attic
22 plan. When I look at the attic plan of the existing condition, Sheet
23 A101; stair is turned in the other direction, perpendicular, and then
24 that dormer does not project.

25 MR. LEWANDOWSKI: So, what we were trying to achieve on the
26 stair side that you're looking at is to jut out -- similar to the

1 feature that is in the front of the house, to accommodate a workable
2 stair. Right now, the current workable stair is a head knocker, and
3 so we -- that's why we need a little bit of additional bump out in
4 terms of dormer on that side. And to retain the symmetry of the home,
5 we've bumped out the other side. It also gave a little bit more
6 square footage. So, again, provide bedroom spaces that were more
7 to the standards of, you know, today rather than.

8 CHAIRMAN MAMMINA: My point being, that is a change in there
9 that does change the character of the house because if we're looking
10 at the constructive front elevation, where even in the side
11 elevation, they're not shown. In the rear elevation, they're not
12 shown, but they project out more, and you know, the Board tries to
13 be careful about steering of the design, but it -- I mean, it does
14 make a modification, where to me it looks like that -- those two
15 dormers in the attic now are kind of pushing down on the entire house
16 changing massing of the house, and that is something that we look
17 at. I mean, I realize that an elevation presents a view that's not
18 necessarily what you would see as you --

19 MR. LEWANDOWSKI: You're reading more bulk into it.

20 CHAIRMAN MAMMINA: I mean, house built in the 1860s, I think
21 it was. It was part of the history of the town.

22 MEMBER DONATELLI: 1895.

23 CHAIRMAN MAMMINA: 1895; either way.

24 VICE CHAIRMAN FRANCIS: It's a long time ago.

25 CHAIRMAN MAMMINA: It's even older than me. You might see it
26 better on the floorplan, you know, than you -- I mean, I'm just looking

1 at the straight on elevation.

2 MR. LEWANDOWSKI: We're talking about bulk, right?

3 CHAIRMAN MAMMINA: Bulk, yes. Because we look at bulk, and we
4 look at floor area based on bulk. That is one of the tests, the five
5 tests.

6 MR. LEWANDOWSKI: Right, and I think what we were trying to
7 achieve, it's within a minimal impact on bulk. Provide something
8 that is -- makes it more workable solution of getting up to an attic
9 space.

10 CHAIRMAN MAMMINA: It looks like the stairs are in a completely
11 different place.

12 MR. LEWANDOWSKI: They've been shifted out.

13 CHAIRMAN MAMMINA: Well, also, shifted back.

14 MR. LEWANDOWSKI: Yes, again, to get to a -- there's between
15 the stair coming up from the first floor and getting up a stair to
16 wind up. You know, there's --

17 CHAIRMAN MAMMINA: I understand the stair.

18 MR. LEWANDOWSKI: I think this shows, though, what, you know,
19 what we would -- what we're trying to achieve here. This is the
20 front, and here's the side. This is the front, and that's the side.
21 Yes, we created this little bump out here as a feature to mimic what
22 was really required to try to get the stair to work on the other side.

23 CHAIRMAN MAMMINA: I understand, and I don't know because I
24 haven't looked at the plan long enough, but there's a fairly
25 substantial butler's kitchen that is in there, and I don't know that,
26 that can't -- that stair -- if that is the same location of the stair.

1 MR. LEWANDOWSKI: I know -- I mean, I think you're referring
2 to the ground floor.

3 CHAIRMAN MAMMINA: Yeah, I understand the ground floor.

4 MR. LEWANDOWSKI: Okay.

5 CHAIRMAN MAMMINA: I understand the ground floor, and I will
6 say I in a lived Levitt house, in a Levitt Colonial, and that's the
7 way Mr. Levitt built it. He built the stairs, you know, and those
8 were the only stairs to the second floor. And they got a little bit
9 dicey, you know, when you came around that turn. It's easy for me
10 to say it's not a dominant use of the stair. I mean, my house, it
11 certainly was.

12 I don't know. It's just -- it's such a lovely house. It does
13 present more bulk.

14 MR. LEWANDOWSKI: I think what we would say is, it does
15 represent some additional detail that yes could be described as bulk,
16 but it's the detail as well as -- I mean, it's an artistic detail
17 to the house. I mean, it wouldn't be uncommon for a house of that
18 age or even as originally built to take on dormers to accommodate
19 a growing family.

20 CHAIRMAN MAMMINA: Yes, but they're not that big.

21 MR. LEWANDOWSKI: Huh?

22 CHAIRMAN MAMMINA: They're not that large, though.

23 MR. LEWANDOWSKI: But to provide daylight into space, yes, you
24 would.

25 CHAIRMAN MAMMINA: I don't see daylight.

26 MEMBER HERNANDEZ: Can I ask a different question related to

1 David? It might help us understand the size of it.

2 I'm looking at your drawing, and it shows that the dormer's width
3 is 8 feet 6 inches, and it protrudes 5 feet out. I don't see the
4 drawing that shows me what the existing dormer is. Maybe if you can
5 point that out, we can see how much it has grown because it's difficult
6 to view it.

7 CHAIRMAN MAMMINA: It must be on here.

8 VICE CHAIRMAN FRANCIS: What page is that?

9 MEMBER HERNANDEZ: This is 301, I think I was looking at.

10 MR. LEWANDOWSKI: So, there's this -- there's a front dormer
11 here, and the interesting thing about this front dormer is that it
12 is kind of a step dormer. It's in the main roof, but then also,
13 there's a protrusion on the second-floor level.

14 MEMBER HERNANDEZ: Correct.

15 MR. LEWANDOWSKI: Pick up the scale of that dormer above, and
16 then further -- comes out further with a little balcony terrace and
17 within this lower roof line. And so, we were taking that element
18 and saying, how can we use that character of kind of a dormer on top
19 of the main roof, and in a projection below, that would accommodate
20 the things that we're trying to accommodate on the sides of the home.
21 So, we were basically, essentially, going to what is characteristic
22 of the original home and using it as another -- in another way on
23 this element on the side.

24 CHAIRMAN MAMMINA: I doubt you'll find any house of that vintage
25 that's gonna have that on the side, though, because it presented that
26 front elevation, and it's typical, you know, for it to be larger,

1 and to create a geometric proportion to what's below on the side
2 because those were attics. You know, when they're called doghouse
3 dormers, you know -- and I'm not saying that's what they have to be,
4 but you know, when we're -- when we're enlarging that, you know -- I
5 mean, again we're looking for a floor area variance here, and I'm
6 not trying to trim it down. It's, you know, it's a question of what's
7 substantial.

8 MR. SAHN: Mr. Chairman, for my understanding, are you
9 suggesting that perhaps the two side dormers, I'll use the word
10 dormers, could be made smaller?

11 CHAIRMAN MAMMINA: Yeah, and can they pull back?

12 MR. SAHN: And tucked in, so to speak?

13 CHAIRMAN MAMMINA: Tuck them in to where they were before, and
14 still achieve what you're trying to achieve below. We understand
15 families grow. The New York State Building Code has created a way
16 that you can legalize attics as habitable space.

17 Now, you wouldn't have to do that because of the age of your
18 house. You wouldn't have to comply with those requirements, and it
19 clearly says that, but my point just being that, you know, that again,
20 the State -- the State Building Department -- the State Code Division,
21 recognizes that as families grow, and you get mom and dad and you
22 know, all of that, that you know, that having some additional space,
23 you know, is not a bad thing.

24 I'm just trying to understand the, you know, the stair because
25 as I'm looking at A101, when you said it's a head-banger. Where is
26 it a head-banger? Is it in the same location, or is it moved over?

1 I mean, if I had my tracing paper like the old days, I would sketch
2 one over the other.

3 MR. LEWANDOWSKI: If you could imagine this stair right now
4 currently resides in an area that is practically above the oldest
5 stair coming up from the ground floor. What we've done is we pushed
6 it out so that we can make it a U-shape that we get our head clearance.

7 MEMBER HERNANDEZ: That's what my question was going to be.
8 Not so much the style of it, which I can appreciate what you're trying
9 to do. I understand what the Chairman is saying. Usually, you want
10 to make the front of the house more prominent and you don't
11 necessarily want to copy it on the side as well. Unless, you happen
12 to face two streets, and you want to make them both look prominent.
13 But my question is, you have a dormer in that house already.

14 MR. LEWANDOWSKI: Right, yeah. This is --

15 MEMBER HERNANDEZ: Right? And what you're doing is you're
16 expanding the dormer.

17 MR. LEWANDOWSKI: Correct.

18 MEMBER HERNANDEZ: I'm trying to figure out how much you're
19 expanding it, and I can't figure it out. So, as I said, if you can
20 figure that -- if you can give us how much it has grown because it
21 looks like it has grown a lot. It may not have grown a lot. That's
22 the point.

23 SECRETARY WAGNER: There is an existing attic plan in the plan.

24 MEMBER HERNANDEZ: Yes, but I can't figure out the numbers.

25 CHAIRMAN MAMMINA: Yeah, and we can't see one over the other.

26 MEMBER HERNANDEZ: Yeah.

1 CHAIRMAN MAMMINA: And we don't have a light box, and I don't
2 have tracing paper. In the olden days, I would've.

3 MEMBER HERNANDEZ: Like I said, your new plans, it shows 8 by
4 5, I believe is what you said before, but what was there now, I don't
5 know. I can't figure it out.

6 CHAIRMAN MAMMINA: Believe me, we're not trying to deny this.
7 We want to make sure that we understand it because every application
8 that comes in points to another.

9 MEMBER HERNANDEZ: Page A101 shows a dormer, which I think is
10 the same one.

11 CHAIRMAN MAMMINA: Yeah, it is.

12 MEMBER HERNANDEZ: It looks like it's 6 feet deep. So, what
13 you're proposing is 8 feet, so you're making it 2 feet deeper, I guess,
14 or protruding out more, but I can't tell what the depth of the dormer
15 is.

16 MR. LEWANDOWSKI: So, this is the existing dormer.

17 MEMBER HERNANDEZ: Right.

18 MR. LEWANDOWSKI: And I would say it's probably 6 feet; 6 foot
19 6.

20 CHAIRMAN MAMMINA: Would we agree that it's smaller than the
21 front dormer? Looking at your sheet right there.

22 MR. LEWANDOWSKI: Sure. This is the front. This is the side.

23 CHAIRMAN MAMMINA: Yeah, I'm not -- these are not trick
24 questions. None of them are. I also don't want to make the
25 homeowner nervous either.

26 MR. ZUCKERMAN: No. Can I say?

1 CHAIRMAN MAMMINA: Sure. Give your name and address on the
2 record.

3 MR. ZUCKERMAN: Russell Zuckerman, 59 Bayview Avenue. Thank
4 you, ladies and gentlemen of the Board. I appreciate your time.

5 I think what the Chairman is getting at is true. I spent a lot
6 with these plans.

7 VICE CHAIRMAN FRANCIS: Speak into the microphone.

8 MR. ZUCKERMAN: We've spent a lot of time with these plans.
9 These plans have been developed over -- Gary, how long? Two and a
10 half, three years.

11 MR. LEWANDOWSKI: Close to that, yes.

12 MR. ZUCKERMAN: So, this not -- this was not arrived at quickly.
13 There was a long process, and I take the Chairman's comments on the
14 dormers well. It was -- we spent some time thinking about that. And
15 the -- and I'm not an architect, but it was critical to me to maintain,
16 what I think Michael mentioned earlier, the gestalt of the home, which
17 is not historically -- it is not designated -- there are, if you go
18 a block away from my house, a lot of the homes are historically
19 designated as I'm sure you know. Ours is not. Nevertheless, it's
20 important to me and my wife. We've only talked about me, but
21 actually, there's another part of me, maybe more important, who also
22 cares deeply about the character of this home, so do my neighbors.

23 We had to make some compromises to fix the staircase, which
24 was -- Chairman, you're right, it is just very challenging right now
25 to walk up to the attic. I have to go like this. It's that material.
26 It's not a -- it's not -- and it's because of the way the roof line

1 comes down, and so we had to get outside of it, and so the compromise,
2 while also maintaining the pieces of the second floor, which were
3 very critical to us, was to push out over the existing porch a little
4 bit to get the headroom, and then -- and then you're -- then now,
5 you have one side that looks different than the other, and we thought
6 symmetry was the best result.

7 And I think that's the -- that was sort of how our
8 decision-making process worked. And you're right, they're
9 not -- they're no longer different in size. My guess is -- and I
10 don't know the specifics. They probably are the same size as the
11 front dormer 'cause we were going for symmetry as the compromise.

12 MEMBER GOODSSELL: So, standing and looking at the house, you're
13 moving the staircase so that it bumps out of the right side, and in
14 order to balance that, if you're standing in the street, you're
15 looking at the house, the staircase is going to bump out of the house
16 onto the right side. To balance that, you've added a mudroom. On
17 the second --

18 MR. ZUCKERMAN: Not the mudroom. Not the mudroom, but above
19 it.

20 MEMBER GOODSSELL: Above the mudroom.

21 MR. ZUCKERMAN: Yeah.

22 MR. LEWANDOWSKI: Extension on the second-floor bedroom.

23 MEMBER GOODSSELL: Right. Well, I see the extension on the
24 second-floor bedroom. I think it's called the alcove, and the
25 staircase is again, on the right-hand side of the house. The
26 left-hand side is the alcove. Now, to go from the second floor to

1 the attic, the staircase is going directly above where the
2 second-floor proposed staircase is, and to balance that out, you're
3 expanding the attic. Do I have that correct?

4 MR. ZUCKERMAN: Yeah, I think that's right, yes.

5 CHAIRMAN MAMMINA: If you --

6 MEMBER GOODSSELL: I'm looking at --

7 CHAIRMAN MAMMINA: Member Goodsell, look at Sheet A300
8 and -- excuse me; 301 and A310.

9 MEMBER GOODSSELL: I have 301 in front of me. I see that.

10 CHAIRMAN MAMMINA: If you look at 301.

11 MEMBER GOODSSELL: I see 301, and then than right below is 310.

12 CHAIRMAN MAMMINA: So, the elevation number 2 on A301 is the
13 side elevation.

14 MEMBER GOODSSELL: Correct.

15 CHAIRMAN MAMMINA: Of the house. You see the size of the dormer
16 on that. If we look at -- that's the -- that's an existing condition.
17 So, if we then go to A310 see, which is west and east, but they're
18 symmetrical. You'll see that the dormer there clearly extends as
19 an element up two stories on there, and takes what might even be more
20 important that if you look at drawing -- elevation one on that same
21 page 301.

22 MR. ZUCKERMAN: I think the Chairman's absolutely correct.
23 You are correct.

24 MEMBER GOODSSELL: I'm just wondering because, and I, as one
25 Board Member, do not have any objection to what you're proposing
26 below -- the second story and below. I'm looking at the extensions

1 on the attic to see if there is some way that they could possibly
2 be minimized, so that the profile of the house remains the same. And
3 I'm just looking to see to get from the second floor to the attic,
4 you are continuing above the existing second floor or the, excuse
5 me, the proposed second floor to get to the attic.

6 MR. ZUCKERMAN: Right.

7 MEMBER GOODSSELL: And it creates a bump out. So, to balance
8 that you're creating another bump out.

9 MR. ZUCKERMAN: That's right.

10 MEMBER GOODSSELL: You're over the allowable square footage,
11 which is why I'm questioning it.

12 MR. ZUCKERMAN: Yes.

13 CHAIRMAN MAMMINA: And the bulk that's -- that's presented to
14 the street. I recognize there's trees and things there and, you
15 know, the whole property is very lovely.

16 MR. ZUCKERMAN: Thank you.

17 CHAIRMAN MAMMINA: So, and it is -- and it's obviously
18 maintained. But as I said, when I -- I'm an architect, so I look
19 at it in that way, you know, and when I'm -- I know I said this already,
20 but when I'm looking at your -- your second photo, and I'm not saying
21 that you shot yourself in the foot, you know, with that photo.

22 Understand that, that 99 times out -- no, 100 times out of 100,
23 we're here to come out with what fits the context of the law, what
24 we would do because we're -- I guess, the good part is we're not gonna
25 get 20 more applications, you know, that were built in 1890, you know,
26 and have this historical character to it, but you know, it's -- you

1 can clearly see the -- I don't want to use the word de minimis, but
2 the smaller -- what truly is a dog has -- what I see as a doghouse
3 dormer and you know, what is on the front of the house as this very
4 nice element that comes straight down.

5 The area in the back I'm not concerned about because we don't
6 see it, you know, from the street; umm. I gave a long umm there,
7 but. Yeah, we see it -- we see it in the drawing from the back to -- in
8 the drawing -- the photo from the back, but I recognize we don't see
9 it from the back, but it's the same thing as from the front.

10 MEMBER DONATELLI: I'm going to jump in. If I understand
11 correctly, what the Chairman is asking is, if there's some way to
12 reconfigure the staircase on the right side of the house, so that
13 it does not create the need for that bump up in the attic; is that
14 correct?

15 CHAIRMAN MAMMINA: I think so. And that may not be possible,
16 you know. But I will say that Mr. Lewandowski is known to the Board,
17 and is a very, very competent architect. I clearly understand what
18 you're saying. Even though there's no section drawing through
19 there, and I'm not saying there should have been one. I can see it
20 from, you know, looking at the second-floor plan and moving on up
21 to the attic. And I will say to the vintage of the house, attics
22 were generally just used for storage. Now, we use them for, you know,
23 we use them for space.

24 Generally, they're very nice because you get a nice high ceiling
25 in there. There's a lot of architecture that's going on in that area.

26 Let me go back to this first-floor plan.

1 MR. ZUCKERMAN: That's actually the problem with this attic
2 with the size of those dormers because it comes up -- it's pretty
3 steep.

4 CHAIRMAN MAMMINA: Yeah.

5 MR. ZUCKERMAN: And so, it's true that in the middle of the room
6 you do have head height, but on the sides, you don't. So, the usable
7 square footage is actually pretty small currently, even though it
8 shows that it's larger. The front because the dormer's larger,
9 actually has more -- you can actually operate within that area, but
10 the doghouse dormers really shrink the square -- the usable square
11 footage notwithstanding that it shows the square footage on the
12 plans.

13 CHAIRMAN MAMMINA: I'm looking for the first-floor plan of the
14 existing condition.

15 MEMBER DONATELLI: That's going on in the --

16 CHAIRMAN MAMMINA: Yeah, that's what I would figure.

17 MR. ZUCKERMAN: Gary, is there anything that we could do to
18 limit this? I mean, we certainly could -- we tried to --

19 MR. LEWANDOWSKI: Short of rebuilding the stair coming from the
20 first floor to the second floor or taking out, you know, the center
21 of the home, which is not really a wise decision. Trying to get to
22 this to internalize the stair, but I don't think -- but this is a
23 kind of like the real estate if you need it to get it to physically
24 work.

25 Whether or not we could maybe think about is there a way we can
26 deal with it as corner condition, so can we -- by the way, some -- most

1 of this -- this -- this sits underneath -- the second floor, this
2 sits underneath the eave from this. So, this is gonna be de minimus
3 in terms of its impact but I, you know -- to do the stair that starts
4 right at the foot of the -- where you would have a stair going down
5 to the basement, to wind up, and come and meet this elevation of the
6 attic space, you need that width. You need these blinders. But if
7 there's a way that we can treat the corners, where maybe we
8 dematerialize them in some ways. If not on the second-floor level
9 where it's underneath the software, then maybe on the upper level
10 when, you know, we're -- we are beginning to need less space as we
11 work up the stair. You only need that headroom above you for the
12 stair, right?

13 So, there are -- probably ways that we could maybe express the
14 original width of the doggy dormer. Express the original pediment
15 of the doggy dormer, but then maybe hip roof it back on the sides
16 with sort of re-entering the corner kind of detail. I think then
17 maybe that would allow us with the physical needs are for the stair,
18 but address your concerns, which I think, for me, I -- it's not -- I
19 mean, certainly, there's a GFA variance that we're asking for, but
20 this has much more to do with aesthetic than gross floor area.

21 MEMBER GOODSSELL: Well, gross floor area is important to us,
22 too.

23 MR. LEWANDOWSKI: I'm not disregarding --

24 MEMBER GOODSSELL: As one Board Member, I don't have any
25 objection to the height of this building. It predates everything.
26 I don't have any objection to the eaves. I'm focusing on the GFA,

1 and in my mind, I'm focusing on it to say, is there any way we can
2 knock anything off without taking it out from the usable space to
3 fit more within what the town allows because as the Chairman was
4 trying to say, we grant the minimum variance necessary to achieve
5 the client's results, and I can understand wanting to reconfigure.
6 I looked at the second floor. I looked at the first floor. The first
7 floor will be beautiful. Although that is not our standard. The
8 second floor reconfigures the bedrooms into much more practical
9 sizes. That I understand. We don't go by the beauty of the design
10 as you well know. We really go -- and we don't go by the fact that
11 nobody can see it. That's just one factor that we consider. We go
12 by what we could do to reduce this big ask. I'm okay all the way
13 up to, I think, another 500 square feet over the allowable.

14 MR. LEWANDOWSKI: So, with the reduction in GFA be prejudice
15 to a certain area.

16 MEMBER GOODSSELL: Correct. And I don't know the answer to
17 that. I have to defer to the architect here, who's taking out his
18 verbal red pen and looking.

19 MR. LEWANDOWSKI: We're just talking about GFA, could be
20 anywhere.

21 MEMBER GOODSSELL: Correct. Correct. So, what we're looking
22 at then --

23 MR. LEWANDOWSKI: Understood.

24 MEMBER GOODSSELL: Because we're focusing on this and because
25 I think it's lovely to have a butler's kitchen and a back office and
26 a bedroom on the first floor, there -- when you have only so much

1 bulk, you're doing it, in my opinion, correctly, you're putting it
2 in the back of the house, but you're still going over the allowable,
3 and even we give credit for the fact that it's a double lot, you're
4 still going over the increased allowable. So, that's what we're
5 focusing on. That's what I'm focusing on.

6 MR. SAHN: I have a question related to that, if I could, to
7 help us focus on mitigating the GFA request. Is it -- is the request
8 focused on the number per se or the design? For instance, if
9 something else was removed from the building to lower the gross floor
10 area, would this design be more acceptable, or are we really focusing
11 on these two elements?

12 MEMBER GOODSELL: For me, as one Board Member, I -- if the only
13 variance you were asking for, if this design was the same, and the
14 only variance you were asking for was the minimal height variance
15 and the minimal eave variance, I wouldn't have an objection to it.
16 It's GFA.

17 And the only reason we're focusing on that attic is because
18 that's the most visible to the neighborhood, and the most visible
19 to a passerby. The most visible to somebody in the street. It
20 looks -- there is a house immediately to the west of this that looks
21 like it was built at the same time. And there's a house immediately
22 to the east of it that looks like it was also built many, many years
23 ago that's set back even further than this house. So, what is -- what
24 is the character of the neighborhood? What, if anything, if there's
25 nothing that can be done, if this is the design that you're
26 presenting, I've always said, you can present the design, and we'll

1 make a decision based on what you have.

2 MR. SAHN: Well, we appreciate that, but most important is to
3 have a design that is functional, and to the extent we are able to
4 mitigate the request for the variance. So, this design may or may
5 not be susceptible to altering it. We will take a look at it. There
6 are perhaps other ways to reduce GFA, which could be done, but they
7 would -- but they would be on other areas in the house, and not these
8 elements. So, I suppose my question -- we know that you're not here
9 to design for us.

10 MEMBER DONATELLI: If I may?

11 MEMBER GOODSSELL: Go ahead.

12 MEMBER DONATELLI: Sorry, I would like to jump in, sometimes
13 it's difficult. I've been listening very carefully to the Board,
14 and of course, we're comprised of five individuals with five
15 different perspectives.

16 It is true that one of the things that we do -- that we're tasked
17 with doing is trying to grant the minimum variance required, and
18 certainly, the Chairman is an architect. He brings a unique
19 professional expertise to our applications that perhaps some of us
20 non-architects lack, and I appreciate that perspective.

21 There is another perspective that I don't think we've actually
22 stated yet, and again, I'm only one of five members, but I would like
23 my other Board Members to consider this. That this is a double-sized
24 lot. This is a lot of over 10,000 square feet. If the applicant
25 wanted -- in a Residence C zone, if the applicant wanted to, the
26 applicant could tear down this house and could build two in its place

1 of right. And the -- had it not been for the de minimis height
2 variance and the eave height variance, the applicant could have
3 bumped up to a larger GFA.

4 So, while we look at 800 square feet, and we say that that is
5 a huge ask, that there are factors on the other side to be considered,
6 and I know that we have made allowances in the past. Now, I'm not
7 saying that 800 square feet should be granted, but what I am saying
8 is that I haven't heard anyone on this Board yet mention the fact
9 that this is a double-sized lot.

10 There are -- this is -- even though it's not designated formally,
11 it is a historic home. In my opinion, it is a valid interest of ours
12 to want to try to preserve these old beautiful houses and to make
13 them more relevant according to today's standards as opposed to
14 standards of 135 years ago or whatever. So, I am -- I take into
15 account -- I take into serious account the fact that the Town Board
16 in allowing for the bump up wanted to try to reward oversized lots,
17 even though they may not comply -- well, in the case of the Town Board,
18 certainly, they want compliance with every other aspect of the code,
19 but the two aspects of the code that we are being asked to grant a
20 variance, and it would qualify for the bump up but for those aspects
21 that, that to me is something that we need to weigh, and I don't know
22 that 800 square feet is the proper number. I will leave that to the
23 Chairman and to the architects, but I think that has to be taken into
24 account.

25 CHAIRMAN MAMMINA: I think when we look at your point, which
26 is well taken, we could certainly take a look at it saying, okay,

1 if it is two lots, and that could be knocked down, it's not 800 odd
2 square feet, it's more like 250, you know, which I think weighs in
3 your favor, and I have not forgotten that, and I, you know -- and
4 I think what I would like to do, just if we could because I think
5 I partially understand.

6 Could you take me through the first-floor existing condition,
7 which is on Sheet 100, and let's forget about the second floor. The
8 first -- the second sheet, which shows the proposed conditions, and
9 it'll then take me to the second floor. In other words, let's do
10 a first floor, second floor, attic, as proposed conditions, and then
11 we can look at them -- excuse me, as existing conditions, and then
12 we can look at them as proposed conditions, you know, which certainly
13 having, you know, a practical hardship is something that, you know,
14 that the Board can consider as part of a grant on something.

15 So, I'm not criticizing at all the way you put the drawings
16 together, you know, but they bounce around just a tiny bit.

17 MR. LEWANDOWSKI: Sure.

18 CHAIRMAN MAMMINA: For my tiny brain.

19 MR. LEWANDOWSKI: We are -- sheets need to be just put in order
20 here. We got a little out of order here.

21 So, we can start on the ground level.

22 MEMBER HERNANDEZ: Yeah.

23 CHAIRMAN MAMMINA: Yeah, of existing conditions.

24 MR. LEWANDOWSKI: Of existing conditions.

25 CHAIRMAN MAMMINA: Because then we can look at where
26 that -- because I believe that second stair is remote, and is brought

1 to the back of the house.

2 MR. LEWANDOWSKI: So, the stair -- the original stair, and
3 existing stair from the ground floor level to the second-floor level
4 is located in the bottom right-hand portion. You can see --

5 MEMBER HERNANDEZ: You're on Page A100, correct?

6 MR. LEWANDOWSKI: Yeah, A100.

7 CHAIRMAN MAMMINA: That's unchanged.

8 MR. LEWANDOWSKI: That's unchanged, correct.

9 CHAIRMAN MAMMINA: Right.

10 MR. LEWANDOWSKI: So, that stair as you can --

11 CHAIRMAN MAMMINA: So, I got that.

12 MR. LEWANDOWSKI: As you can imagine, it starts on the lower
13 right in the plan, and then rises up, going up the plan.

14 CHAIRMAN MAMMINA: Okay.

15 MR. LEWANDOWSKI: That lands, when you go to Sheet 101, that
16 lands right in the hall on the second --

17 CHAIRMAN MAMMINA: Hold on. Let me find 101.

18 MR. LEWANDOWSKI: Yep. Drawing number one, second floor
19 existing conditions. You can see --

20 CHAIRMAN MAMMINA: I got 101 now.

21 MR. LEWANDOWSKI: So, you can see again in the plan on the right
22 side in the middle of the plan on the right side, arrow going down,
23 which indicates the stair going down to the first floor. So, that's
24 where that stair lands.

25 CHAIRMAN MAMMINA: Yes, and that one's fine. I understand.

26 MR. LEWANDOWSKI: And then, the current stair, is kind of a

1 switch back on that, but it's built to, whatever, 1895 standards,
2 and they -- because of the roof line, it has to wind above the current
3 stair, and -- so what that -- but not really built to what you would
4 normally want, at least a 6-foot head clearance below the stair going
5 up to the attic versus the stair going down to the first floor.

6 MEMBER HERNANDEZ: So, this stair that we're looking at on this
7 page, from the second floor of the house, okay; going up stairs is
8 on the inner side of the house.

9 MR. LEWANDOWSKI: Correct.

10 MEMBER HERNANDEZ: So, the first set of risers shouldn't be an
11 issue because they're inside the house. Then you got to make that
12 left turn, and go up to the actual second set at risers going to the
13 attic.

14 MR. ZUCKERMAN: You got.

15 MR. LEWANDOWSKI: Right.

16 MEMBER HERNANDEZ: That's the one you're bumping your head on.

17 MR. LEWANDOWSKI: Correct.

18 MR. ZUCKERMAN: Yes.

19 MEMBER HERNANDEZ: So, that's the dormer that's giving you the
20 problems.

21 MR. LEWANDOWSKI: It's basically, they're -- the original stair
22 fits within the envelope. We needed to increase the envelope to be
23 able to do a stair that would actually --

24 MEMBER HERNANDEZ: That stair sits directly above the lower
25 stair, it has to be the same size. It shouldn't be any smaller. The
26 head room might be different because the dormer --

1 MR. LEWANDOWSKI: Right.

2 MEMBER HERNANDEZ: -- may not be tall enough.

3 MR. LEWANDOWSKI: Short of reconfiguring the whole second
4 floor, with a new stair that was internally, they're -- we felt that
5 it was a better solution to not take away internal space, which would
6 be more practical use for bedroom.

7 MEMBER HERNANDEZ: Forgive me because I am not an architect,
8 so I'm having a problem understanding. You're now at
9 two-and-a-half, 3-feet-wide stairs going up from the first floor to
10 the second floor.

11 MR. LEWANDOWSKI: Right.

12 MEMBER HERNANDEZ: It has a return. Does it have the same size
13 or the same width stairs coming back? Going -- the first halfway
14 up?

15 MR. LEWANDOWSKI: This is a 3D problem.

16 MEMBER HERNANDEZ: Yeah.

17 MR. LEWANDOWSKI: So, we have a stair that is like this. We
18 have another stair that is doing this.

19 MEMBER HERNANDEZ: Correct.

20 MR. LEWANDOWSKI: The problem is, is when it does that, it
21 doesn't -- when it wants to come around above this stair --

22 MEMBER HERNANDEZ: Yes.

23 MR. LEWANDOWSKI: -- it's not high enough above. We want it
24 up here, and it's down here.

25 MEMBER HERNANDEZ: Okay, so --

26 MR. LEWANDOWSKI: So, that stair is --

1 MEMBER HERNANDEZ: That stair is the one you're proposing to
2 remove and make bigger, correct? The second floor to the attic.

3 MR. LEWANDOWSKI: To bring it to code.

4 MEMBER HERNANDEZ: Yes.

5 MR. LEWANDOWSKI: And to -- I wouldn't say bigger. To
6 basically to bring it to code.

7 CHAIRMAN MAMMINA: Does it shift to the back of the house, or
8 is it still in the same location?

9 MR. LEWANDOWSKI: It shifts.

10 CHAIRMAN MAMMINA: The one I'm seeing off of the butler's
11 pantry.

12 MR. LEWANDOWSKI: That goes down to the basement.

13 MEMBER HERNANDEZ: Yeah, that's a different one.

14 CHAIRMAN MAMMINA: Okay, so then what's the stair to the second
15 floor? Again, I'm not being critical of the drawings, but it's the
16 existings and the proposed.

17 MR. LEWANDOWSKI: So, we're -- if I can simply explain it like
18 this. I think what -- where the current stairs internal to the over
19 footprint of the house, and it's inboard, if you will, of the stair
20 going down to the first floor. We're proposing making an outboard
21 because then it will not disrupt the internal functioning of the
22 original envelope of the house, and so obtain the --

23 MEMBER HERNANDEZ: It's the -- again, your plan 101.

24 MR. LEWANDOWSKI: Yes.

25 MEMBER HERNANDEZ: On the left side of that plan, we have the
26 second-floor stair showing the stairs coming up from the first floor.

1 MR. LEWANDOWSKI: Correct.

2 MEMBER HERNANDEZ: And then we have the second start of the
3 stairs -- the start of the stairs going up.

4 MR. LEWANDOWSKI: Right.

5 MEMBER HERNANDEZ: That's the existing condition, correct?

6 MR. LEWANDOWSKI: Correct.

7 MEMBER HERNANDEZ: Now, on the right side, you have the attic.

8 MR. LEWANDOWSKI: Yes.

9 MEMBER HERNANDEZ: Is that the existing condition or the
10 proposed?

11 MR. LEWANDOWSKI: This is existing.

12 MEMBER HERNANDEZ: So, this is the stairs that are --

13 MR. LEWANDOWSKI: So, you could see where the stair is winding
14 down counterclockwise, if you will.

15 MEMBER HERNANDEZ: Yes.

16 MR. LEWANDOWSKI: Clockwise in this case.

17 MEMBER HERNANDEZ: Right.

18 MR. LEWANDOWSKI: From the top down.

19 MEMBER HERNANDEZ: Yes.

20 MR. LEWANDOWSKI: Clockwise.

21 MEMBER HERNANDEZ: Right. So, where are you -- I also see at
22 the bottom of that stairs circle, I have like triangular lines, I'm
23 assuming is the roof. The angled roof.

24 MR. LEWANDOWSKI: Those are the winder stairs. You know,
25 when --

26 MEMBER HERNANDEZ: Got it, yeah.

1 CHAIRMAN MAMMINA: So, the alcove on the other side is just
2 balancing --

3 MEMBER HERNANDEZ: It's just balancing. That's all it is.

4 VICE CHAIRMAN FRANCIS: Right.

5 MEMBER HERNANDEZ: So, this is the one that creates the problem.
6 So, then what you're proposing is to make that -- so, this is the
7 existing condition, and that's not enough room, is what you're
8 saying.

9 MR. LEWANDOWSKI: Currently -- yes, the stair coming down from
10 the attic to the second floor creates a --

11 MEMBER HERNANDEZ: It's not a practical stair.

12 MR. LEWANDOWSKI: To Russell's point, you have to bend over to
13 clear your head.

14 MEMBER HERNANDEZ: I'm very familiar with those stairs. I'm
15 about the same size, so I go through the same issues.

16 MEMBER DONATELLI: This is 1895; people were smaller.

17 MEMBER HERNANDEZ: Were smaller and not as fat as we are.

18 CHAIRMAN MAMMINA: Is that a short joke?

19 MEMBER HERNANDEZ: Absolutely.

20 CHAIRMAN MAMMINA: Wow, I was tall.

21 MEMBER HERNANDEZ: Now, can you please point me to the proposed
22 new --

23 MR. LEWANDOWSKI: Sure.

24 MEMBER HERNANDEZ: -- drawing for the same space.

25 CHAIRMAN MAMMINA: It's 111.

26 MR. LEWANDOWSKI: Drawing 111?

1 CHAIRMAN MAMMINA: Yeah.

2 MEMBER HERNANDEZ: Okay, so you moved the stairs outside?

3 VICE CHAIRMAN FRANCIS: Yeah.

4 MEMBER HERNANDEZ: Okay, got it. That's what I was getting
5 confused.

6 MR. SAHN: It's an extension to the exterior to create the new
7 stairway.

8 MR. LEWANDOWSKI: So, if you look on Drawing 1, second floor
9 proposed on the left side of Sheet A111.

10 MEMBER HERNANDEZ: Yes, correct, got it; 111.

11 MR. LEWANDOWSKI: That shows where the stairs are on the right
12 side, middle of the plan. It shows the existing stair going down,
13 would that be retained, and then a landing at the top of that stair,
14 and at the right side of that landing, the beginning of the stair
15 going up to the attic that winds, in this case, clockwise up and
16 counterclockwise down. So, what we've done is we've shifted it out
17 of the head room problem of the existing stair going down.

18 MEMBER HERNANDEZ: So, on -- in your original drawing -- let
19 me go to the computer where I have the original. Let me just go to
20 101 again. In 101, the existing condition, you have a flight of
21 stairs coming up from the first floor to the second floor. I make
22 a left turn or a U-turn to my left, and go up the stairs, and I wrap
23 around, so I'm basically stacking one stair on top of the other.

24 MR. LEWANDOWSKI: Correct.

25 MEMBER HERNANDEZ: You're doing like this, and you're bumping
26 up because of height and everything else.

1 MR. LEWANDOWSKI: You're going in a counterclockwise motion up
2 the stair.

3 MEMBER HERNANDEZ: What you have now done is that you're
4 removing completely the first half of the stairs going to the attic.

5 MR. LEWANDOWSKI: Totally removed it.

6 MEMBER HERNANDEZ: And then you're going to add a brand-new set
7 of stairs going out at a 90-degree angle into outer space, and then
8 coming back up again.

9 MR. LEWANDOWSKI: Correct. And using -- quite frankly, taking
10 advantage of the rake of the roof above the attic for head room to
11 get the stair up.

12 CHAIRMAN MAMMINA: It's the rake of the roof that's giving the
13 head room.

14 MR. LEWANDOWSKI: Right.

15 MEMBER HERNANDEZ: At that point, you're building a brand-new
16 dormer because the dormer is of the same angle. You're now going
17 out and back in again. You're always using the middle of the dormer.
18 You're not using the side of it, right? Because the problem here,
19 I would imagine is that your dormer goes this way. The stairs come
20 this way. That's why you're bumping into this roof line.

21 MR. LEWANDOWSKI: Well, there's the roof line of the dormer,
22 and then there's a roof line -- the more dominant roof line is actually
23 the main roof on top of the attic.

24 MEMBER HERNANDEZ: Right.

25 CHAIRMAN MAMMINA: That's what chucking it up.

26 MR. LEWANDOWSKI: That eave line is lower than the dormer line.

1 CHAIRMAN MAMMINA: It's giving extra space --

2 MEMBER HERNANDEZ: Inside the house.

3 CHAIRMAN MAMMINA: And then on the other side --

4 MEMBER HERNANDEZ: They're balancing it.

5 CHAIRMAN MAMMINA: Here.

6 MEMBER HERNANDEZ: To balance it.

7 CHAIRMAN MAMMINA: So, you can see here. I'm looking at Sheet
8 111, second floor proposed, so that's coming up, and then he's
9 wrapping around.

10 MEMBER HERNANDEZ: He's moving it outside of the house. Okay,
11 thank you. Now I understand what you actually did. I was having
12 quite difficulty. Thank you, David.

13 I'd like to go back a minute to the GFA issue that my colleague
14 brought up because that's really what we are dealing with, and I would
15 like to make one clarification, at least in my mind anyway. You have
16 a very large garage, which has been there for a very, very long time.
17 Because of its size, it counts as part of GFA. That garage is 395
18 square feet, so in my head, I can rationalize that 395 should not
19 penalized to your house because that is not part of your space. So,
20 out of your 865, I would back out the 395; again, in my own head,
21 only because if that was a 300-square-foot garage, you wouldn't be
22 counting it.

23 MR. SAHN: That's correct.

24 MEMBER HERNANDEZ: So therefore, I -- it's not 865, in my head.
25 It's something like -- I don't know, 600.

26 MR. SAHN: Correct. That's why I mentioned at the very

1 beginning of my presentation that, as the plan shows, we have to count
2 395 square feet. We're already over -- the existing house is already
3 over.

4 MEMBER HERNANDEZ: An additional --

5 MR. SAHN: We're at --

6 MEMBER HERNANDEZ: Sixty-five.

7 MR. SAHN: We're already over. Let me just get the exact
8 number.

9 MEMBER HERNANDEZ: And from what I can tell, the bulk of what
10 you are created as GFA, effectively exists in the house already
11 because -- with the exception of the bump out of 31 feet by 10 in
12 the back, and the little side pieces, it's really, you're enclosing
13 porches that are already part of the bulk of the house.

14 MR. SAHN: That's correct.

15 MEMBER HERNANDEZ: So, it's not as bad as it looks on paper when
16 you look at it. You can take some of those considerations.

17 MR. SAHN: That's correct.

18 MEMBER DONATELLI: That's the point that I want to be making.
19 The defining feature of this house, as I inspected the house prior
20 to the hearing, the defining feature is that wraparound porch, is
21 the roof line of the porch, and what the applicant is seeking to do,
22 with the exception of the rear, which is of course changing the
23 footprint of the house, but on the left side and on the right side,
24 what the applicant is doing is merely enclosing what had been an open
25 porch.

26 MEMBER HERNANDEZ: But leaving the bulk of it open in the front.

1 MEMBER DONATELLI: Exactly.

2 MEMBER HERNANDEZ: Visible to the street.

3 MR. SAHN: As we indicated, the plans do lower the eave, so it
4 was an attempt that -- mitigate that variance -- mitigate that
5 existing condition, so we would have a variance but lesser. The
6 height is virtually less than a foot, and we have the existing garage,
7 which does count.

8 To add to your comments, Mr. Donatelli, this could also, I
9 believe, qualify as a two-family house in a Residence C because you
10 have over 10,000 square feet, which is -- not that anyone wants to
11 do that.

12 MEMBER DONATELLI: But the character of the neighborhood is
13 such that, you know, Port Washington -- parts of Port Washington tend
14 to be very old, historic, and actually quite beautiful, and I, as
15 one Board Member, appreciate the homeowner who comes to a project
16 with an appreciation for the character of the house, and as well as
17 the character of the neighborhood. Sometimes, we get applicants
18 that want to build things that are totally out of character. In my
19 opinion, this is not one of them. Also, in my opinion, this might
20 easily be distinguishable from anyone else who might come to us
21 looking for a gross floor area variance of this size. I think that
22 is a unique property. It is uniquely situated in -- and again, as
23 one Board Member, I am in favor of this application.

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

25 VICE CHAIRMAN FRANCIS: Second.

26 CHAIRMAN MAMMINA: Seconded. Motion by Member Donatelli.

1 Seconded by Vice Chairman Francis. Please poll the Board.

2 SECRETARY WAGNER: Member Hernandez?

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 SECRETARY WAGNER: Member Donatelli?

7 MEMBER DONATELLI: Aye.

8 SECRETARY WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 SECRETARY WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: I say aye, and for the reasons stated, and
12 taking an 1890s house and making it meet a century and a quarter or
13 so later in terms of practical uses.

14 MEMBER HERNANDEZ: We are going to get findings for this. We
15 need to explain why --

16 VICE CHAIRMAN FRANCIS: Yeah.

17 CHAIRMAN MAMMINA: Right. It's done in an artful manner. I
18 think the record will show that.

19 VICE CHAIRMAN FRANCIS: It's a beautiful house.

20 MR. SAHN: We're very appreciative for you're taking the time
21 to understand what on the surface might look like a simple
22 application, is really quite complex.

23 CHAIRMAN MAMMINA: No one can say that we were not thorough.

24 MR. SAHN: Thank you so much.

25 CHAIRMAN MAMMINA: Thank you all.

26 MR. ZUCKERMAN: I appreciate the care that went into that

1 analysis. Thank you.

2 CHAIRMAN MAMMINA: Good job all around.

3

4

5 SECRETARY WAGNER: Appeal #21748, Mark Chou, 39 Meadow Lane,
6 Roslyn Heights; Section 7, Block M, Lot 62; Zoned: Residence B.

7 Variance from 70-41.A to construct additions that are too close
8 to the side property line.

9 CHAIRMAN MAMMINA: You heard Appeal #21748, Mark Chou. Is
10 there anyone in the room interested in the application other than
11 the applicant?

12 (Whereupon, no response was given.)

13 CHAIRMAN MAMMINA: Seeing no one. Please give your name and
14 address.

15 MR. GOMOKA: Chris Gomoka, G-O-M-O-K-A, attorney for the
16 applicant, 2290 Bellmore Avenue, Bellmore, New York. It's always
17 difficult to follow my mentor, Mr. Sahn, before the Board, so I don't
18 think I can be as articulate as him, but we'll try.

19 By way of background, the subject parcel is located on the west
20 side of Meadow Lane, approximately 290 feet south of its intersection
21 with Hilton Lane.

22 MEMBER DONATELLI: Can you speak up a little bit? Would you
23 mind moving the mic?

24 MR. GOMOKA: I'll try. Is that better, Mr. Donatelli?

25 MEMBER DONATELLI: Thank you.

26 MR. GOMOKA: I apologize. Do you want me to start again?

1 MEMBER DONATELLI: No.

2 CHAIRMAN MAMMINA: No, go ahead.

3 MR. GOMOKA: The subject premises is defined as Section 7, Lot
4 6, Block 6, Lot 62 on the Nassau County Land and Tax map. The subject
5 premises is located in the B zone of the Town of North Hempstead Zoning
6 Map. Property has been owned by Mr. Mark Chou, who is a former
7 resident of the town. Moved to a slightly larger home approximately
8 two years ago with the intention of being close and remaining close
9 to his family and friends.

10 The subject property is what's known commonly in the Roslyn
11 Heights area as a saltbox-type colonial property. The parcel is
12 currently approved by a one-family residence with an attached garage,
13 and a prior variance for a bay window on the north side of the
14 property, as well as a side yard variance.

15 The current variance sought by the applicant is for a
16 second-story addition. Pursuant to section 70-41.A of the North
17 Hempstead Town Code for a side yard that currently exists for four
18 feet two inches the existing property lines and building lines will
19 be maintained in all respects. It's just a second-story addition
20 over the kitchen to accommodate an extra bedroom for Mr. Chow. He
21 has two children; one who participates in distance learning and is
22 required to have his own bedroom, and his mother is in failing health
23 and requires a bedroom on the second floor to be near he and his wife
24 for her health reasons.

25 There's no other variances required. We've examined several
26 other options to attain the goal of having the four bedrooms that

1 are needed by the Chous. One would be an addition on the south side
2 of the property. However, it would create a hallway on the second
3 floor, and actually, to maintain 100 square foot, the town requires
4 four bedrooms. We'd actually be losing a bedroom and only be able
5 to achieve three by building over the existing building lines and
6 creating no other variances.

7 With regard to the current application, we've attempted to keep
8 the height as low as possible. They're permitted 30 feet. The
9 applicant only proposes 22 feet to the ridge to keep the density as
10 low as possible and be as courteous to his neighbors. The current
11 proposal on the side faces the neighbor's garage, and that neighbor
12 is fully in favor of the application, is, in fact, friends with the
13 Chous.

14 MEMBER GOODSSELL: I'm sorry. Which neighbor is that one?

15 MR. GOMOKA: The one to the north that actually faces their
16 garage where that situation would be that. The other properties on
17 that side of the street are all slightly larger. Mr. Chou and his
18 neighbor to the south of his have slightly smaller properties.

19 MEMBER GOODSSELL: I saw that.

20 MR. GOMOKA: Based on the turn of the street there where it comes
21 from Deepdale Parkway into Ridge, and then approaching Hillturn Lane.

22 Obviously, in considering the Five Factors that the Board must
23 consider is whether an undesirable change would be produced in the
24 character of the neighborhood and the detriment to the nearby
25 properties?

26 The answer to both these questions is no. The property to the

1 north actually is larger. It has a two-story addition over the
2 existing building line, and it's on a slightly larger lot. So, this
3 home would look like every other home on the street from the street.
4 We've attempted to keep it that way, so anyone coming down the street
5 would not see any difference in any of the homes.

6 Whether the benefit to the applicant can be achieved by a
7 feasible alternative to the variance that we're requesting?

8 The answer to that question is no. We've actually attempted
9 several other layouts, and as I indicated, a hallway on the second
10 floor and maintaining the 100-square-foot requirement for the
11 bedrooms would result in only three bedrooms on the second floor.

12 Whether there would be some substantial change to the
13 surrounding community by the granting of this variance?

14 Obviously, no. There's two story residences throughout the
15 town. There's no impact on the environment at all. He maintains
16 all his stormwater on the property.

17 Whether the alleged difficulty was self-created?

18 It was not. The home was purchased this way with that existing
19 side. He proposes no other variances.

20 CHAIRMAN MAMMINA: That's still self-created because he
21 purchased the house.

22 MR. GOMOKA: I understand that.

23 CHAIRMAN MAMMINA: Okay. I just need to keep the record
24 correct.

25 MR. GOMOKA: I understand, Chairman. So, the side yard does
26 exist. We did examine stepping it in 3 feet to comply with that side

1 yard, and it would result in two small bedrooms and a quite awkward
2 design.

3 MEMBER GOODSSELL: So, this proposed addition would be over the
4 existing dining room and living room on the first floor.

5 MR. GOMOKA: And it would maintain all the buildings, Ms.
6 Goodsell. The roof line, the building line, everything.

7 MEMBER GOODSSELL: Let me just take a quick look at the plan.

8 MR. GOMOKA: And as I indicated, the properties to the north
9 are somewhat larger. Him and the neighbor to the south have somewhat
10 smaller frontages, and there's a Nassau County recharge basin in the
11 rear of those two houses. So, the County is actually one of the rear
12 neighbors.

13 MEMBER HERNANDEZ: You are correct. The proposed master
14 bedroom and the other bedroom are very modest in size. They're not
15 excessively large.

16 MR. GOMOKA: They are.

17 MEMBER HERNANDEZ: If you have brought in that wall to meet the
18 7-foot requirement, they would be actually small.

19 MR. GOMOKA: I don't believe they would comply with the North
20 Hempstead Code and the requirement of 100 square feet. We'd have
21 to go out over the garage on the other side thereby creating a hallway.

22 MEMBER HERNANDEZ: But you could get 100 square feet. But even
23 I would argue that 100 square feet is a little small for a bedroom.

24 MR. GOMOKA: Not where I grew up. We had three kids in a bedroom
25 smaller than that.

26 MEMBER DONATELLI: Is there some way to reconfigure the

1 application such that there might be an extension in the rear of the
2 house rather than on the side of the house?

3 MR. GOMOKA: They attempted to do that. It would somewhat
4 interfere with the rear yard setbacks.

5 MEMBER DONATELLI: With the rear yard setback? What is the
6 current rear yard setback? Do you know?

7 MR. GOMOKA: I believe it's 42 feet, so to build out --

8 MEMBER HERNANDEZ: There's also an enclosed porch and a
9 concrete --

10 MR. GOMOKA: On the first floor. That would require some
11 serious reconfiguring, and potentially create some other variances.
12 We tried to keep it to the minimum variance. Obviously, we didn't
13 propose the maximum height or raising the height to try to keep it
14 as minimal as possible with regard to variances.

15 MEMBER HERNANDEZ: In going to the back that we need to build
16 the whole thing. Basically, a two-story addition in the back versus
17 just building over the existing addition.

18 MR. GOMOKA: And they're currently living in the property, Mr.
19 Donatelli. The kids are going to school there. One of the children
20 is involved in distance learning. They're trying to accommodate
21 grandma and the children without uprooting everybody.

22 MEMBER GOODSSELL: It seems that the applicant is asking for the
23 minimum variance possible that -- it does appear that there are other
24 houses in the neighborhood that have done this, but their setbacks
25 are different. This is a pre-existing nonconformity.

26 MR. GOMOKA: It's kind of the way the street turns there, Ms.

1 Goodsell. It's kind of a strange lot, if you will. Like I
2 indicated, these are 65-square-foot lots. Everybody else is 8,275.
3 They're kind of all different based on that situation. And some of
4 the alternatives, Mr. Donatelli, didn't accommodate staying over the
5 existing building line.

6 MEMBER DONATELLI: You're building up from the existing first
7 floor.

8 My question was whether it was possible to turn it 90 degrees
9 such that any building might be in the rear rather than on the side?
10 The other question that I might have is whether the second story needs
11 to go? It appears that it's -- it extends an additional 3 feet in
12 front of the house. Would it be possible to bring that second floor
13 up so that it's flush with the existing front of the house.

14 MR. GOMOKA: I believe it is flush. The only thing that extends
15 is the bay window.

16 MEMBER DONATELLI: I'm looking at the second-floor area
17 diagram.

18 CHAIRMAN MAMMINA: Doesn't look like it.

19 MEMBER DONATELLI: Yeah, it doesn't look like it.

20 CHAIRMAN MAMMINA: Might look like it on the front on the first
21 floor.

22 MR. GOMOKA: If you look at the proposed elevation.

23 MEMBER DONATELLI: Yeah, I'm looking at --

24 MR. GOMOKA: A4, you'll see the bay window.

25 MEMBER DONATELLI: Hold on.

26 Let me tell you what page I'm looking at. I am looking at Page

1 A5, and I'm looking at the second-floor area diagram.

2 And we're just exploring options.

3 CHAIRMAN MAMMINA: So that we know that we're granting the
4 minimum.

5 MR. GOMOKA: Oh, I agree, and I believe, you know, he's
6 proposing only over existing, and I'll make that representation.

7 MEMBER DONATELLI: Have you taken a look at page --

8 MR. GOMOKA: I do, and it looks somewhat strange. That's not
9 from -- my understanding was it was staying -- maintaining over all
10 the existing building lines, and it would not protrude like that bay
11 window did.

12 MEMBER DONATELLI: Yeah.

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

14 MEMBER DONATELLI: You're building over the garage; is that
15 correct?

16 MR. GOMOKA: No, we're building over the dining room and bay
17 window.

18 MEMBER DONATELLI: I'm sorry, dining room. Does the dining
19 room currently jut out from the front of the house?

20 MR. GOMOKA: No, it's just a bay window that juts out.

21 MEMBER GOODSSELL: No, even visually, it juts out.

22 MR. GOMOKA: It may jut out a little bit, Mr. Donatelli, but
23 that would stay over that building line. The encroachment is the
24 bay window.

25 MEMBER DONATELLI: I understand you don't have a front yard
26 setback issue, but when I look at these plans, the right side does

1 bump out.

2 MR. GOMOKA: I think we're speaking in two different terms.

3 The bump out that you're referring to, yes, the building, a line in
4 the front juts out a little bit; however, there's a further
5 encroachment for a walkout bay window. We're not building over that.
6 That is what I'm trying to clarify.

7 MEMBER DONATELLI: That I understand.

8 MR. GOMOKA: So, it would be over the existing dining room to
9 maintain the building line. So, without stepping anything in and
10 creating a design issue.

11 MEMBER DONATELLI: Your testimony, your representation is that
12 it would be impractical to --

13 MR. GOMOKA: Stepping in the 3 feet, correct.

14 MEMBER DONATELLI: Sorry?

15 MR. GOMOKA: Stepping it in the 3 feet and 3 feet would be
16 impractical.

17 MEMBER DONATELLI: Nor would it be practical for you to build
18 a two-story addition in the rear. The expense would be dramatically
19 more.

20 MR. GOMOKA: I don't think it would be the expense. I would
21 think it would be the configuration and changing those bedrooms and
22 moving them, creating hallways. It would create almost
23 smaller -- smaller rooms and more of the difficult -- the town does
24 require the 10 by 10, 100-square-foot bedroom, unlike the state code.
25 It would be somewhat different.

26 MEMBER DONATELLI: Right, which is -- goes to the issue of

1 practicality, and it goes to the issue of expense.

2 MR. GOMOKA: And it also -- I mean, relative, obviously, you
3 try to maintain the minimum hallways for fire department access
4 because usually when there's elders and other people on the second
5 floor, you want the fire department to be able to get up there quickly
6 and not navigate hallways. You try to keep the natural hallways and
7 areas for the fire department to gain access and making those type
8 of searches. Recently, we had that problem in place with the fire
9 department. The house was slightly altered and making that search,
10 the second floor. The fire department was not quite familiar with
11 that layout because of other construction reasons, and the guys kind
12 of got hung up there. So, we try to be cognizant of our first
13 responders that have been doing this a long time in those same type
14 of layouts.

15 MEMBER GOODSELL: Does anybody have any other questions?

16 CHAIRMAN MAMMINA: No.

17 MEMBER HERNANDEZ: No.

18 VICE CHAIRMAN FRANCIS: No.

19 MEMBER GOODSELL: Well, I, as one Board Member, I don't have
20 any objection to this. I think the applicant is making the
21 application for the minimum possible variance, and therefore, I make
22 a motion that we grant the application.

23 MEMBER HERNANDEZ: Second.

24 CHAIRMAN MAMMINA: We're just pondering something.

25 MEMBER DONATELLI: Yes, just give us one second.

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

1 MR. GOMOKA: But if I may, Mr. Mammina. I know the Board is
2 up for voting. I believe if we built on the south side of the
3 property, a variance would not be required.

4 CHAIRMAN MAMMINA: Yes. All right, so we have a motion by
5 Member Goodsell. Do we have a second?

6 MEMBER HERNANDEZ: Second.

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

9 SECRETARY WAGNER: Member Donatelli?

10 MEMBER DONATELLI: Aye.

11 SECRETARY WAGNER: Member Hernandez?

12 MEMBER HERNANDEZ: Aye.

13 SECRETARY WAGNER: Member Goodsell?

14 MEMBER GOODSSELL: Aye.

15 SECRETARY WAGNER: Vice Chairman Francis?

16 VICE CHAIRMAN FRANCIS: Aye.

17 SECRETARY WAGNER: Chairman Mammina?

18 CHAIRMAN MAMMINA: Aye. Application is granted.

19 MR. GOMOKA: Thank you, Mr. Mammina. Thank you, Members of the
20 Board. Thank you, Ms. Goodsell. It's always a pleasure to appear
21 before a very reasonable Board. Have a great holiday season. See
22 you soon.

23 MEMBER HERNANDEZ: Thank you, you too.

24 CHAIRMAN MAMMINA: Please call the next case.

1 SECRETARY WAGNER: Next appeal, Appeal #21759, Ted Zucker; 79
2 Main Street, Port Washington; Section 5, Block G, Lot 1; Zoned:
3 Business B/Port Washington Business Overlay District.

4 Variance from 70-103.A for interior alterations to allow a
5 mixed-use building with not enough off-street parking.

6 CHAIRMAN MAMMINA: You heard Appeal #21759, Ted Zucker. Is
7 there anyone in the room interested in the application other than
8 the applicant?

9 (Whereupon, no response was given.)

10 CHAIRMAN MAMMINA: Seeing no one. Please give your name and
11 address.

12 MR. BUTT: Good afternoon, Mr. Chairman, Members of the Board.
13 My name is Edward Butt from the firm Edward Paul Butt Architect with
14 offices located at 499 Jericho Turnpike in Mineola, New York. Good
15 afternoon.

16 CHAIRMAN MAMMINA: Good afternoon.

17 MEMBER GOODSSELL: Good afternoon.

18 MR. BUTT: I just want to give some housekeeping. I'm here
19 before the Board today to seek relief for two separate issues with
20 regard to the zoning for -- in the Town of North Hempstead for this
21 particular location.

22 This location is currently a bank, which was formerly Bank of
23 America. Just recently converted to a smaller bank, credit union.
24 I believe it's the Port Washington Credit Union, which I just recently
25 renovated, and during that renovation, we had sort of scaled down
26 the project because it had a sort of a second-story mezzanine on the

1 left-hand side or a second story, and then above it is offices that
2 are not associated with the bank below.

3 With looking through and walking through that space, I guess,
4 at one point in time, way back when, it was probably used for some
5 sort of an executive office or something like that. In looking at
6 it, it seemed to fit the concept of the downtown plan about possibly
7 creating some sort of livable habitable space that would work within
8 the confines of the Port Washington Downtown district.

9 So, in keeping with that, we looked at the application, and put
10 together a plan, which is before you today, which complies with the
11 requirements or basic requirements of what the mixed-use occupancy
12 is all about, which gives this a private entrance off of -- actually,
13 Irma, even though the address is 79 Main, it would give you private
14 access up to the second-floor apartment. It would be a
15 two-family -- I mean, a two-bedroom apartment, two bathrooms. All
16 meeting the code requirements with regard to the New York State
17 Building Code. But in addition to that, it would also provide an
18 area for rentable unit, not tight, not small, but -- and not getting
19 to try and put too many units in, but just to get one unit in, and
20 try and keeping with the downtown plan.

21 With that, we -- as you see before you, the plan seems to work
22 rather well with the use of that. It gives you windows. It gives
23 you views. It's on -- it's on a residential street. Actually,
24 if -- I'm sure you're familiar because we were before this Board
25 earlier with 12 Irma. That project is now in with the Building
26 Department. We expect to be getting permits shortly, and we'll be

1 building that and adding to the sort of downtown residential district
2 'cause those will be senior housing. That has -- and that does meet
3 all the parking requirements for that.

4 Obviously, this -- because of the Downtown district, the parking
5 requirements were met with the use of the adjoining public parking
6 areas for the rest of the business uses that are in this district.
7 However, this unit itself does not have any parking on site or
8 available on site. There is according to the parking regulations
9 in the area, there is parking available from 5:00 P.M. to 9:00 A.M.
10 Monday to Saturday and all day Sunday on the street, and then there
11 is -- which would be one of the options, the second option, which
12 I have a letter from an adjoining property owner, not too far away
13 on 40 Bayless, who has offered to lease to the --

14 MR. PERROTTA: Sure.

15 MR. BUTT: I guess that could be Exhibit A.

16 TOWN ATTORNEY ALGIOS: Thank you.

17 MR. BUTT: Which would offer a lease agreement, but on a yearly
18 basis or whatever, to allow for potential parking. But in keeping
19 with the philosophy of what the Downtown district is all about, you
20 know, it is a parking space, but I look at this as somewhat more of
21 urban type environment where, you know, parking is something of a
22 privilege, not a necessity, and I would think that someone who would
23 have an apartment like this would probably either one, try and figure
24 a way to get a parking space, and/or would be a commuter and not even
25 have a car or have a car remotely somewhere else.

26 So, you know, if this were a ten-unit or 12-unit thing, I would

1 say that the impact would be a lot more severe, but I think because
2 it's only one unit, and it would be something that would be sort of
3 user-specific. They would understand that going in that this would
4 be a sort of a commuter/someone who might not have a car or not need
5 a car or have a car that would be remote at somebody else's -- maybe
6 a parent's house or whatever.

7 I'm respectfully requesting that the Board consider this much
8 more of a less impact situation and that the fact that we're not
9 providing parking in any official manner except to offer a possible
10 lease agreement with that would go or run with the use at the time,
11 but nothing really permanent.

12 So, again, I throw this out to the Board because, you know, I
13 look at this as much more of an urban style use, and with the -- in
14 keeping with everything else that's going on in the Downtown
15 district, and there are other multiple housing projects that do not
16 have assigned parking. I don't believe that this would act as a -- or
17 impact the use here, or the effects of what the Downtown Port
18 Washington area would be as far as the one space that we're asking
19 for. So that's -- that's really where I am.

20 MEMBER GOODSELL: 40 Bayless, I'm just looking at it on the map,
21 is really a couple of blocks away.

22 MR. BUTT: Yeah, it's a little bit away, but I would think
23 that --

24 MEMBER GOODSELL: As a single person, and I -- I fully agree
25 with integrating businesses and residential. I'm very much in favor
26 of that business. I hate to say it, but business locations, business

1 offices are in less and less demand. Residential's in more and more
2 demand.

3 If I'm coming in late at night, I'm walking everywhere that I
4 possibly can, but I'm coming in from a job late at night, I don't
5 necessarily want to walk two long blocks away in order to get to my
6 residence. There is -- I drove the area. I honestly did not see
7 parking from 9:00 P.M. to 6:00 or 7:00, overnight parking. On the
8 street, I saw a lot of signs that said 90-minute parking only. In
9 the two lots, it would be ideal to be able to park in one of the two
10 public parking lots if the town grants overnight parking to those
11 people who reside there. There's two large parking lots.

12 MR. BUTT: That's a great idea, and I was going to speak to the
13 Manhasset -- I mean, the Port Washington Park district, about
14 possibly negotiating that. I have yet to have that conversation,
15 but certainly, as an option.

16 MEMBER GOODSELL: That would go a long way, where somebody could
17 come home, and know that they have the one dedicated parking spot
18 that you can pull in, and you can go right into the building.

19 MR. BUTT: Yes.

20 MEMBER GOODSELL: Which -- and again, this has to do with the
21 feature of habitability. My kids live in Boston. They don't have
22 a car. They walk everywhere. Most of the houses in their area do
23 not have parking. It's just a fact of life. You park on the street,
24 but here, where Port Washington -- I understand what Port Washington
25 would like to do, and again, I don't have any objection to converting
26 unused office space into residential space. Where are they going

1 to park? Where are they going to park?

2 MR. BUTT: Again, I just -- my point to that is like you said,
3 if they're younger, or which is what I'm thinking is a lot of these
4 people don't even have cars, and it's such an easy commute to
5 Manhattan from --

6 MEMBER GOODSSELL: The train station is right across the street.

7 MR. BUTT: It's right there. I mean, it's literally a block
8 away, so it's such a commuter-friendly location.

9 MEMBER GOODSSELL: There are restaurants. There are shops.

10 MR. BUTT: And everything. So, I almost think that the car is
11 sort of an unnecessary necessity at best if that would be the case.

12 MEMBER GOODSSELL: Yes, but the majority of people in this area
13 do have a car.

14 MR. BUTT: I understand.

15 MEMBER GOODSSELL: Do you have a car, and I think we have to
16 consider that.

17 MEMBER DONATELLI: So, I was privileged to be co-president of
18 a community organization for more years than I care to admit right
19 now, and one of the things that I was privileged to work on was the
20 Port Washington Business Overlay district. We called it model
21 blocks back then, and the thought was to create a different kind of
22 Downtown to allow for some flexibility for residential use, and to
23 try to get away from this culture of car-centric living that pretty
24 much all of Long Island ascribes to.

25 I would note for the record that we're being asked to provide
26 the variance for the one residential parking spot that the applicant

1 is requesting as part of this application. My understanding is that
2 on the Notice of Disapproval, there is a second paragraph for special
3 uses. We are not voting on that. That is for the Town Board to vote
4 on.

5 So, really, the issue before us is whether or not to allow
6 something that is provided by code in the model blocks in the
7 Residential Overlay district with the variance of one parking.

8 Parking there is very problematic. I mean, I too -- I know the
9 area very, very well. I know that there are some private parking
10 lots there. I know that there's a municipal parking lot there. I
11 don't know whether or not somebody would be willing to walk two blocks
12 to their house, but certainly that is something that somebody's
13 coming to the apartment would have to calculate, and we make that
14 calculation all the time when it comes to commercial properties. We
15 talk about commercial properties sometimes needing variances for
16 parking, and it being self-limiting, and somebody knows the drawbacks
17 of something, and if they have two or three cars, then this is not
18 the unit for them. If they have zero cars or one car, and they're
19 willing to walk a block, then maybe this is the unit. But again,
20 I'm getting to the legislative intent that I recall ten years ago
21 when this passed or something like that. That the thought was to
22 get away from car-centric Long Island existence.

23 There are stores that are within reasonable walking distance
24 there. The train is directly across the street. This is the exact
25 kind of thing that I think when, once upon a time, Tom Suozzi, who
26 was the Nassau County Executive used to talk about intelligent design

1 or -- sorry, the phrase escapes me right now, but this is the kind
2 of thing that I think we should be looking at seriously to encourage
3 for all of our downtowns.

4 I applaud the Town of North Hempstead for having taken on this
5 role some ten to 12 years ago, and I, for one, am in favor of this
6 application.

7 CHAIRMAN MAMMINA: Okay, we have a motion I would assume.

8 MEMBER DONATELLI: So, just a couple of other things. I would
9 note that there is no variance required for the commercial because
10 of the credits that are awarded under the code and -- yes, I make
11 the motion that we grant the variance for the one residential -- I'm
12 sorry, excuse me one second.

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

14 MEMBER HERNANDEZ: I'd like to make the one comment on the
15 parking as someone who grew up in Brooklyn, and got my first car --

16 MR. BUTT: Astoria.

17 MEMBER HERNANDEZ: -- at the age of -- in Flatbush. Where it's
18 all six-story buildings with not a garage to be found within three
19 miles of where I live. Having a car since I was 17 years old. You
20 find a place to park, and if it's six blocks away when you come home,
21 you park six blocks away, and you walk. If you want a car, that's
22 what you do. So, I don't see it as a problem. To go buy something
23 at Roosevelt Field, you can always get a Zipcar, and go there for
24 two hours and come back.

25 MEMBER DONATELLI: Right.

26 MEMBER HERNANDEZ: So, we don't need to have a car these days.

1 Back then, you had no choice if you wanted to go to a beach or go
2 anywhere. So, I don't see a problem with the parking.

3 CHAIRMAN MAMMINA: So, we have a motion.

4 MEMBER DONATELLI: So, yes, I make a motion.

5 CHAIRMAN MAMMINA: Motion by Member Donatelli.

6 MEMBER HERNANDEZ: I will make the second.

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

9 SECRETARY WAGNER: Member Goodsell?

10 MEMBER GOODSSELL: Aye.

11 SECRETARY WAGNER: Member Donatelli?

12 MEMBER DONATELLI: Aye.

13 SECRETARY WAGNER: Member Hernandez?

14 MEMBER HERNANDEZ: Aye.

15 SECRETARY WAGNER: Vice Chairman Francis?

16 VICE CHAIRMAN FRANCIS: Aye.

17 SECRETARY WAGNER: Chairman Mammina?

18 CHAIRMAN MAMMINA: I'd just like to add one thing that I think
19 it's unfortunate but inevitable that supports what Member Goodsell
20 has said. The days of retail and local service are long gone.
21 Everything is done online, and all of these buildings have to be
22 converted into something. So, I vote aye, also.

23 MEMBER GOODSSELL: I would also urge the Town of North Hempstead
24 to consider granting when they encourage development in these
25 districts one parking permit exception, so that someone could park
26 in the public lots, which are right there overnight.

1 MR. BUTT: Ms. Goodsell, that's a great idea, and I was going
2 to try and have a negotiation with that, but I thought that was one
3 of those monumental tasks I didn't want to undertake. So, I just
4 figured I'd let it go.

5 MEMBER GOODSELL: It probably is.

6 MR. BUTT: Thank you very much.

7

8

9 SECRETARY WAGNER: Somebody want to move SEQRA?

10 MEMBER GOODSELL: I will make a motion that we adopt SEQRA.

11 CHAIRMAN MAMMINA: We have a motion by Member Goodsell. Do we
12 have a second?

13 MEMBER DONATELLI: Yes.

14 SECRETARY WAGNER: All in favor.

15 ALL Board MEMBERS: Aye.

16 (WHEREUPON, the Proceedings concluded at 12:21 P.M.)

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 19th day of November, 2025.

MARIESEL BERRIOS