

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, December 17, 2025
10:00 a.m.

BOARD MEMBERS PRESENT:

David Mammina, AIA, Chairman
Patricia A. Goodsell, Esq., Member
Daniel D. Donatelli, Esq., Member
Jay Hernandez, Member

ALSO PRESENT:

Debra Algios, Deputy Town Attorney
Virginia Wagner, Secretary
Michael Tummarello, Planner

1 CHAIRMAN MAMMINA: Good morning, and welcome to the Town of
2 North Hempstead Zoning Board of Appeals.

3 My wife says in my young old age, I speak softer. I said,
4 well, that's good because I used to scare people, and not
5 necessarily here in the office, but.

6 What I like to do before we get started is just take a few
7 minutes to talk about the way we do things or conduct business
8 here because you may have never been to a Zoning Board before,
9 and if that's the case, we ask you just to relax, you know, and
10 I know that can be harder than we may think, and you're just
11 kind of talking to us. I like to say we're just sitting across
12 the kitchen table. For other people who may have been to zoning
13 boards other than the Town of North Hempstead, we may do things
14 a little bit differently here. I just like to take a minute,
15 you know, on that.

16 Essentially, what we do here is that today is your day.
17 So, we don't have second hearings here. We don't have third
18 hearings here. We get everything on the record today between
19 what you have to offer us and what else we may need or
20 everything may be fine or they may not be fine. Essentially,
21 there would be four things that the Board may potentially do.
22 We may approve the application. We may deny the application.
23 We may reserve the application.

24 What reserving the application means is that we've heard
25 all the testimony, and we feel we know all of what the position
26 is and the Board has asked the questions. There's been

1 opportunity to respond to those. If people from the public want
2 to speak, that can be addressed. So, basically, you know,
3 everything's been said, you know, but the Board might say, you
4 know what? We're not quite ready to make a decision on it
5 because we try to be as fair as we possibly can.

6 Our job is not to say no. Our job is, in certain
7 circumstances, we have points of law that we have to look at
8 depending on the type of application you're talking about there
9 are five. If you have an area variance, which I think pretty
10 much everything today is an area variance. If you have a use
11 variance, then there are four, and you'll go through those
12 questions. Typically, if you're not sure what those questions
13 are, we'll help with that, but we may want to see the property
14 again. We may ask, you know, we may -- you may have given us
15 every document that we want. So, essentially, there's nothing
16 else that we're looking for.

17 If we were to continue the application, then we might say
18 hey, you know, suppose you took that front door entrance, and
19 you moved it over, and the porch became a little bit smaller.
20 Maybe you want to take a look at that. We might ask for a
21 closing document. We might ask for something from the building
22 department that the building department has not given us yet, so
23 that we can examine those things, and see, you know, how those
24 things might support or not support what you said because,
25 again, we try to be completely fair in what we do.

26 We are a quasi-judicial body, which I'm an architect. I

1 had no idea what quasi-judicial meant when I first came on the
2 Board, you know, 33 years ago. We basically are conducting, for
3 all intents and purposes, a legal proceeding here where we make
4 a decision, you have rights if you disagree with that decision.
5 So, that's -- that would be essentially the way that we work
6 regarding that.

7 The only thing that we ask is that we just do a couple of
8 things as common courtesies to each other. Let's put our phones
9 on silent. You can keep them on, it's okay. If you have to
10 take a call or make a call, it's okay. We're all ladies and
11 gentlemen. You stand up, you go outside, it's fine. You want
12 to stretch your legs, same thing. You want to use the men's or
13 the ladies' room, same thing. If there's anyone who's coming as
14 well, please just ask them to do the same thing because if
15 you're standing up here, you don't want somebody else's phone to
16 ring and that's distracting. It's distracting to the Board.
17 And then also we ask that we keep discussion and talking really
18 to a zero. And again, if you've got something that you want to
19 talk about, you know, you can go outside and talk with somebody
20 who may have come later on to the hearing.

21 Did I get everything?

22 MEMBER DONATELLI: I think so.

23 CHAIRMAN MAMMINA: I think so, yeah.

24 MEMBER DONATELLI: (Inaudible.)

25 CHAIRMAN MAMMINA: Oh, that's right. Thank you.

26 The way that we also do this is the applicant will be the

1 first person to talk. Every person will put their name and
 2 address onto the record for our stenographer, and they will then
 3 own the microphone. They will put their case onto the record.
 4 The Board will ask whatever questions we may wish to ask, and
 5 then at the beginning when I call the case, I will ask if
 6 there's anybody in the audience who has interest in that case.
 7 You can be speaking for it. You could be speaking against it,
 8 and you'll just put your hand up, and we'll then recognize you
 9 after the applicant has put their case onto the record, and one
 10 at a time, people will come up, you'll put your name and
 11 address, and you'll put your feelings. You may love it, you may
 12 hate it, whatever, whatever it might be, and we limit that to
 13 three minutes. As I like to say, you know, we're not chopping
 14 anybody's head off at three minutes, and we ask that we try not
 15 to repeat each other. It doesn't make the record any stronger
 16 if more people stand up and say, you know, I hate this because
 17 it's too close to a bus stop, or I love it because I think it's
 18 going to beautify the community. Once it's on there, you know,
 19 it's on there. So, we ask that we try to do that, and you know,
 20 we're certainly, we think, always courteous, you know, in terms
 21 of that. If that happens, the applicant then has the
 22 opportunity to come back up to the podium and either support or
 23 refute what someone else might say. So, we add that other piece
 24 into there.

25 Thank you, Member Donatelli.

26 So, I think with all of that said, would be in place to

1 begin. I will just ask Secretary Wagner, would you please call
2 -- if we have any, cancellations -- adjournments, excuse me,
3 today?

4 SECRETARY WAGNER: Yes. We have an adjournment of Appeal
5 #21765, Vlad Moshe; 1 Knoll Lane, Roslyn Heights; Section 7,
6 Block 166, Lot 12; Zoned: Residence AA.

7 Variances from 70-19.C, 70-22.6, 70-100.1, 70.100.2, and
8 70-102.C, to construct additions that make a home too big; a
9 swimming pool and fire bowl/waterfall structure that are too
10 close to the side property line; a swimming pool, hot tub, fire
11 bowls, waterfall feature, pergola, exterior kitchen, cooking
12 appliances (barbecue and pizza oven) and hood/chimney structures
13 located within a side yard (not permitted); a pergola, exterior
14 kitchen, cooking appliances, hood and chimney structures, and a
15 fixed basketball hoop (with 12' high netting) located within the
16 front yard (not permitted); fencing located in the front yard
17 (not permitted) and fencing located in the side and front yards
18 that is too tall, walkways and an expanded driveway that cover
19 too much of the front yard; and a pergola, a barbecue and a
20 pizza oven that are too tall.

21 That will be adjourned until January 7th.

22 CHAIRMAN MAMMINA: Okay, so if you are here for either of
23 those applications, those will not be heard today, and you know,
24 we'll express our regrets of sorts if you've taken time off from
25 work, but you know, an adjournment is something that is common
26 on an application. So, you would be re-noticed by letter

1 typically or not?

2 SECRETARY WAGNER: Just by regular mail.

3 CHAIRMAN MAMMINA: By regular mail, right. So, you would
4 receive something not as returned receipt required.

5 SECRETARY WAGNER: We also have one more adjournment for
6 Appeal #21770, 307 Old Country Road LLC (Dimas Hospitality
7 Group, Inc.); 307 Old Country Road, Carle Place; Section 10,
8 Block 48, Lot 50; Zoned: Business A.

9 Conditional use 70-126.A to legalize the expansion of a
10 restaurant; and variances from 70-103.A(1), 70-103.B, and
11 70-132.A to legalize a dining enclosure that is located too
12 close to the street, with not enough parking on site, and
13 parking spaces that are too small, and to install, and a masonry
14 wall and an HVAC condensing unit in a required front yard.

15 That's adjourned until January 21st.

16 CHAIRMAN MAMMINA: Okay, so I'll repeat. If you're here
17 for either one of those, those will not be heard today.

18 I'd also like to say, we are on Zoom. So, anyone who would
19 wish to is also watching the application on Zoom. We do have
20 something called the Sunshine Laws, which means that everything
21 that we do, we do in person, so that anybody has the opportunity
22 to see those in person or to be here on Zoom.

23 So, with that said, would you please call the first case?

24

25 R E S I D E N T I A L C A L E N D A R

26 SECRETARY WAGNER: Appeal #21760, David Schwartz; 100

1 Harrow Lane, Manhasset; Section 3, Block 188, Lot 4; Zoned:
2 Residence A.

3 Variances from 70-102C(2)(a)(5) and 70-100.2A(4)(a) to
4 install pool barrier fencing forward of a rear building line and
5 a fence along a side property line that is too tall.

6 CHAIRMAN MAMMINA: You've heard Appeal #21760, David
7 Schwartz. Is there anyone in the room who wishes to speak
8 regarding the application other than the applicant?

9 (Whereupon, there was no response given.)

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

12 MR. RANT: Good morning, Mr. Chairman, Members of the
13 Board. Michael Rant, Northcoast Civil, 39 West Main Street,
14 Oyster Bay, New York 11771. Here, this morning, representing
15 the owners, and we're seeking a variance to locate a pool
16 enclosure fence forward of the rear line of the house and having
17 a height of 6 feet in the side yard.

18 This property is a bit unique as far as the characteristics
19 of it and the location of the structures in the side yard.
20 Typically, the improvements for a home are all situated beyond
21 the rear yard of the house. This house has an existing covered
22 patio that's located on the side yard that's utilized at the
23 same time they're using the pool.

24 So, the initial application had a compliant location 6-foot
25 fence at the rear yard. During construction, the owner decided
26 that this would block his visual view of the pool and create a

1 hazard that he would like to avoid, therefore, relocating the
2 pool -- the pool fence to the front wall of the house and along
3 the side yard.

4 I do have some photographs of the property I can submit so
5 you can understand the, again, the unique nature of the
6 property. I'd like to submit these photographs.

7 CHAIRMAN MAMMINA: Sure.

8 SECRETARY WAGNER: This will be Exhibit 1.

9 MR. RANT: It's a set of three photographs.

10 MEMBER GOODSELL: Recent photographs, I see.

11 MR. RANT: Yes. These were taken this morning, actually,
12 yes. So, the first photograph is from the front of the property
13 looking into the rear yard, you can see there's a cellar
14 entrance, and -- in the rear of the photograph, that is the
15 pool, and in front of that is the side porch.

16 The second photograph is a photograph at the rear of the
17 house looking into the side yard porch. So again, this porch is
18 located on the side of the home, so it's forward of the rear of
19 the house.

20 CHAIRMAN MAMMINA: Can you use the drawing just to point to
21 that?

22 MR. RANT: So, it would be the west side of the house.
23 There is a cellar entrance that's noted on the drawing as well
24 as an existing patio with second story above, and that's shown
25 in the second photograph.

26 And the third photograph is standing in the rear yard

1 looking at that patio. So, that space is connected to the rear
2 yard. So, if somebody was sitting -- somebody was utilizing the
3 pool, the homeowner, the guest, would be sitting underneath that
4 covered patio looking at the porch -- looking at the pool. So,
5 it acts as one space.

6 CHAIRMAN MAMMINA: As I look at the drawings now from that
7 covered canopy and the stairs, I see a 4-foot fence in the
8 front, so that was in conformance with the original approval,
9 correct?

10 MR. RANT: Correct, yes. So, we're looking to replace that
11 fence with the 6-foot fence, so that side yard space would be
12 connected to the rear yard, and that fence at the rear of the
13 wall of the house would be eliminated and avoid any visual
14 impact or any physical obstacle that would prevent somebody from
15 sitting in the covered patio and being able to visually see the
16 pool and access the pool without having to go through a gate or
17 a fence.

18 The pool would still be fully compliant from a state code
19 standpoint for pool enclosure fences. All of the doors and
20 windows would have the proper alarms and safety features.

21 We feel that the unique kind of layout of the site and the
22 fact that this is not a typical home where you'd have a utility
23 space on the side yard, this is a usable space, and its patio
24 that's connected to the rear yard. We feel that this is an
25 appropriate location for the fencing, and will allow the
26 homeowner to safely and properly utilize the property to its

1 fullest extent.

2 MEMBER DONATELLI: Is there an -- excuse me. Is there an
3 existing 6-foot fence at the rear property line?

4 MR. RANT: We have a proposed 6-foot vinyl fence on the
5 plan. So, there's still an active permit.

6 MEMBER DONATELLI: Sorry, at the rear building line?

7 MR. RANT: No, there is not. The fencing has not been
8 installed. So, this pool is under construction. The patio's
9 under construction. They have an open permit for the pool and
10 patio. So, we're looking to relocate the fence to not have it
11 at the rear wall of the house.

12 CHAIRMAN MAMMINA: Where is the fence that is on the east
13 side of the property? I see it along that property line.

14 MR. RANT: So, the pool enclosure it comes off the rear
15 wall of the house, and it closes at the garage. So, it's
16 utilizing the garage as part of the pool.

17 CHAIRMAN MAMMINA: As part of the barrier in there.

18 MR. RANT: Correct.

19 CHAIRMAN MAMMINA: And I'm sure, as we explained the first
20 time, the purpose of pulling that forward, you know, was put in
21 place by the Town Board.

22 MR. RANT: Understood.

23 CHAIRMAN MAMMINA: With the concept to protect children who
24 might be in that back -- in that rear yard because
25 unfortunately, pretty much every, you know, every pool season,
26 we hear about a child, maybe not necessarily in the Town of

1 North Hempstead, who has unfortunately gotten into the pool with
2 nobody in the back yard, and the goal was to be able to attempt
3 supervising that. I know that you have the porch that's on the
4 outside that looks a bit to the side, and then also looks onto
5 the back yard. That does become a dead space in there as far as
6 I can see because we have no plans of the interior of the house
7 in the application.

8 So, I just want to make sure that this is understood, you
9 know, as not just being something completely where we do the
10 balancing test, you know, of benefit to detriment. This is part
11 of the Town Board's concern. My own opinion, it's a legitimate
12 one because I kind of cringe every time. Having grandchildren
13 and having, you know, passed through having my own small
14 children.

15 MR. RANT: And safety is really the biggest concern from
16 the homeowner. Is if he's sitting in this covered space with
17 his children in the pool, having a fence obstructing his view or
18 creating a barrier for him to get to the pool, that's his number
19 one concern is safety, and that's why he feels that by
20 relocating the fence it makes it a safer access. If he's
21 underneath that patio space, it gives him full visual view of
22 the pool and allows him to safely access that area.

23 CHAIRMAN MAMMINA: It really doesn't. It gives them
24 visual, and it gives them the ability to see the pool, but it
25 doesn't give him the ability to see children that might be in
26 that back area that extends beyond the pool and beyond that

1 visible ability, because I understand, you know, I use the word
2 argument, but not in an argumentative way, you know. Your point
3 of view that being they can see the pool. There's still that
4 blind spot in there, and that's the reason for the fence, then,
5 you know, to be in the other location.

6 MR. RANT: Well, the blind spot is there regardless if the
7 fence is there or not. So, again, the purpose is -- the
8 coverage support -- the covered patio is a year-round space
9 that's used for entertaining. So, while the kids are in the
10 pool, people are entertaining and sitting in that covered porch.
11 That doesn't change the location of the blind spot. All the
12 fence does is add an additional obstacle if they had to get into
13 that pool area that the owner would like to avoid. I think -- I
14 think relocating the fence forward to the front rear wall of the
15 house is a safer alternative than having a barrier between that
16 covered space and the pool.

17 MEMBER DONATELLI: You'll forgive me, not to be
18 argumentative, but I think an argument can be made for exactly
19 the opposite. That this covered patio, and it is quite
20 attractive, but it just -- it creates that situation. The
21 situation could very easily be solved by putting the fence
22 pretty much opposite where it returns from the garage.

23 So, why couldn't the fence just be brought straight along
24 that line from where it returns from the garage to the other
25 side of the yard?

26 CHAIRMAN MAMMINA: And that was my point as well is that it

1 gets pulled back to that area. The same way you have that
2 4-foot fence that is on the western -- eastern side of the
3 property.

4 MR. RANT: I'm not following. Where would the fence be
5 located?

6 CHAIRMAN MAMMINA: You have -- along the eastern side of
7 the property where I assume your pool equipment is -- lining up
8 with the house, and you're using the garage as part of the
9 enclosure.

10 MR. RANT: Okay.

11 CHAIRMAN MAMMINA: And then coming back. So, that whole
12 area confines the location where children could be and where
13 they could be easily supervised.

14 The fence where it is now is up at the front in there, and
15 correctly as you said, that dead spot is still in there, and
16 that fence should be up at the rear of the house, so that it
17 gets rid of that dead spot in there.

18 MR. RANT: So, you mean --

19 CHAIRMAN MAMMINA: No, no, no. Let's go to the fence in
20 question.

21 MR. RANT: The location -- I'm not following where we would
22 --

23 CHAIRMAN MAMMINA: Let's go back to that. We'll call it
24 the right-hand side.

25 MR. RANT: Sure.

26 CHAIRMAN MAMMINA: Okay. Is it understood we have the

1 garage?

2 MR. RANT: Correct.

3 CHAIRMAN MAMMINA: Okay. And then we have pool equipment.

4 We have proposed generator --

5 MR. RANT: Yes.

6 CHAIRMAN MAMMINA: -- in there, and then if we move just a
7 couple of feet in front of the garage as was being pointed to by
8 Mr. Donatelli, and we were to move then to the west, making a
9 left turn, there's a gate that's in there.

10 MR. RANT: Yes.

11 CHAIRMAN MAMMINA: And then the fence moves over a little
12 bit, returns to the house, so therefore, that whole side has no
13 blind spots. Do you agree?

14 MR. RANT: Correct.

15 CHAIRMAN MAMMINA: Okay, so no blind spots. If we have the
16 fence up at that front house line in there, then we do have a
17 blind spot, as you had testified, you know, just a couple of
18 minutes ago. So, that fence should be pulled back to the -- in
19 some configuration to block that side as well, so that from that
20 porch area outside, that area would also then be seen.

21 MEMBER HERNANDEZ: Let me try it a little differently.

22 CHAIRMAN MAMMINA: Sure.

23 MEMBER HERNANDEZ: First of all, I'd like to clarify
24 something for the record. You mentioned that this property
25 presents a uniqueness about it. It's not the land that presents
26 the uniqueness. It's the way the choice of how they built the

1 house because they chose, made a decision, to put that deck on
2 the side of the house. If they would've put that deck in the
3 back of the house, it would not have been an issue at all. So,
4 there's nothing unique about the land. It's the choice of how
5 they built this house. Maybe they weren't thinking of a pool in
6 the future or whatever, but now they are.

7 The problem that you have by moving that fence where you
8 want to move it to, which is the very front building line, is
9 that you are creating even more blind spots that you presently
10 have in -- because now you have stairs going down to a basement.
11 And remember what the purpose of these fences are supposed to be
12 is. You are not in the pool area with the kids. You're outside
13 the pool area, somewhere in the house, somewhere in the rest of
14 the back yard and you want to be able to see the full rectangle
15 from wherever you're standing. You don't want to be impeded
16 from seeing it.

17 Now, I'm assuming they're not going to put a vinyl PVC
18 fence in between the pool and the house. They're going to put
19 some kind of fence like they have now, which is you can clearly
20 see through it.

21 MR. RANT: Sure.

22 MEMBER HERNANDEZ: So, therefore, if you are sitting in
23 that covered area, which I see that it has slide down --

24 MR. RANT: Screens.

25 MEMBER HERNANDEZ: -- walls, so I'm assuming they're also
26 using it for the winter.

1 MR. RANT: Correct.

2 CHAIRMAN MAMMINA: The heater.

3 MEMBER HERNANDEZ: Yeah. So, it's a year-round --
4 completely year-round usage. It could be, for all practical
5 purposes, completely enclosed. You have created, by moving the
6 fence forward, a complete blind spot on the left -- on the
7 western side of the house, from the back of the house down the
8 stairs to the basement, all the way to the front of the house.
9 So, you are making it even worse then by having it back there.

10 MR. RANT: Well, the blind -- are you talking about the
11 blind spot where the cellar entrance is?

12 MEMBER HERNANDEZ: You have the stairs going down where
13 kids could be hiding. You know, you're in the kitchen. You
14 look out the window. You can't see anybody back there.

15 MR. RANT: So, we could -- and again, maybe it's a
16 modification of the fence location and putting a fence around
17 the cellar entrance. A 4-foot, state-compliant pool enclosure
18 fence around the cellar entrance. The goal of this application,
19 whether there's a fence -- there's always going to be some sort
20 of blind spot by utilizing the side porch. This side porch will
21 be utilized throughout the year, especially when the kids are in
22 the pool. By relocating the fence forward of that location, it
23 provides safer access for the homeowner to visually see into the
24 rear yard from the covered porch, as well as physically
25 accessing without having to walk through a gate.

26 The purpose of this space is to act cohesively as one

1 single back yard area. The fence location is still fully
2 compliant with New York State Building Code. All of the windows
3 and doors will have the proper alarms and safety features. If
4 additional fencing would need to be installed around the cellar
5 entrance to eliminate any other access point, then that can be
6 done, and there's already a fence and railing in that location.

7 The goal and the purpose of this is to provide unobstructed
8 access and view from the side porch, which will be utilized
9 throughout the year.

10 CHAIRMAN MAMMINA: Here's something else that could be done
11 that, I think, if I'm understanding the photograph, where I'm
12 seeing a -- I'm seeing that column coming down on that left-hand
13 side, and I'm seeing what looks like a fence coming into that.
14 I don't think I see it on the drawing, but that's okay.

15 MEMBER HERNANDEZ: No, it's not. The column's not on the
16 drawing either.

17 CHAIRMAN MAMMINA: I mean, there could be -- yes, and the
18 column's not on the drawing either. There could be a 4-foot
19 fence along that edge of the -- between those two columns coming
20 from the outer column and back to the house, and then, if a
21 child were to go out into that side yard, they'd have to go
22 through there, no gate in that part, okay. Any gate would be up
23 at the front because I also do have a -- I understand the
24 design. I understand where you're coming from. I understand
25 you -- everything that you said, I would be saying the same
26 thing, if I were standing there, but also at the same time that,

1 that -- I'll call it a garage door just for the sake of
2 something. I'll assume that's solid, you know. If that's
3 dropped down, you know, and then -- and something else then is
4 not there, they then would have the ability to look out this
5 way. When I say this way, I mean toward the rear property line.
6 But then further create a blind spot, you know, in there.

7 I'm only one Board Member, but it could be that if there
8 were that low fence and you have a very nice estate fence on
9 there so it's very transparent, and you know, I think it,
10 aesthetically it works nicely, then that would give you that
11 barrier that the code intends, you know, in there. I don't know
12 if everybody else follows or agrees with it.

13 MEMBER GOODSELL: Well, I understand what you're saying,
14 but I'm looking at the proposed 6-foot self-closing and self-
15 catching gate. To me, that's not a pool gate. It's some 40 or
16 50 feet away from the pool. It's not a pool gate.

17 MR. RANT: Well, that's -- it -- again, it's fully
18 compliant as far as the State Code.

19 MEMBER GOODSELL: Right now, it's compliant.

20 MR. RANT: The state code requirements --

21 MEMBER GOODSELL: Right.

22 MR. RANT: You can enclose and use -- the goal and the
23 purpose from the homeowner is to have the, if you look at the
24 second and third picture, the access point where the patio flows
25 from the rear yard into that covered porch is to have that space
26 open. That's the goal.

1 CHAIRMAN MAMMINA: I think it defeats you, though, because
2 --

3 MEMBER GOODSSELL: Yeah, it does.

4 CHAIRMAN MAMMINA: I can see that I can see right through.
5 The 6-foot fence is otherwise not permitted as a fence. The
6 Town Board has recently made some modifications, and maybe it's
7 a little bit off point, but you can have a 4-foot fence out
8 there, and you know, that's a decision that the Town Board has
9 made very recently, that as you drive down the street you should
10 not be seeing 6-foot fences out there. So again, I'm looking at
11 that photograph --

12 MR. RANT: I'm showing a 6-foot -- I'm showing 6-foot fence
13 because that's the code for pool enclosures.

14 CHAIRMAN MAMMINA: Yes.

15 MR. RANT: For the town.

16 CHAIRMAN MAMMINA: I'm saying, the code for the town is
17 that the 6-foot fence has to be in the location of visibility or
18 a fence has to be, you know, in that, you know, in that area,
19 and I think that if that were, you know, where your picture is
20 showing, you know, in that part of it, you know, it would then
21 give that observation that should be had.

22 MEMBER DONATELLI: May I ask another question? The pool
23 and the fence that is shown on the current pool installation,
24 where was that fence originally approved to be?

25 MR. RANT: In line with the back wall of the house. So, it
26 would -- it would cut -- it would cut through the patio, where

1 the -- where the screened porch is with the roll downs, it would
2 be -- you'd have a 6-foot fence in that location, where the
3 roll-down screen is.

4 MEMBER DONATELLI: So, as I look at the plans that have
5 been submitted as part of this application, I'm seeing, I guess,
6 squares that are delineated. There's the 12-foot-4-inch
7 measurement, and I imagine those are field stones or something
8 like that.

9 MR. RANT: Correct.

10 MEMBER DONATELLI: That is where the pool was -- where the
11 fencing was currently supposed to be?

12 MR. RANT: No, the fencing was proposed at the rear wall of
13 the house extending straight out.

14 MEMBER DONATELLI: I see.

15 MEMBER HERNANDEZ: Where it's supposed to be.

16 CHAIRMAN MAMMINA: Straight across. Where it's supposed to
17 be.

18 MEMBER HERNANDEZ: Where it's supposed to be.

19 MR. RANT: But it creates a visual obstruction.

20 MEMBER HERNANDEZ: A fence, an estate fence that are bars
21 that is not a solid PVC, and again, I'm assuming a lovely house
22 like this is not going to have a white picket fence separating
23 the pool from the house.

24 MR. RANT: Yeah, sure.

25 MEMBER HERNANDEZ: It's going to have a proper estate fence
26 that does not impede your view.

1 MR. RANT: Well, it creates a barrier that you have to walk
2 --

3 MEMBER HERNANDEZ: It creates a barrier that you have to go
4 through, so you have to, yes, unlock and open the door and swing
5 through it.

6 MR. RANT: Yeah.

7 MEMBER HERNANDEZ: But again, that will be in the case, you
8 have to run out there and get to your kids because they fell in
9 the pool.

10 MR. RANT: But that's what his concern is.

11 MEMBER HERNANDEZ: I totally agree --

12 MR. RANT: I don't want to come before this Board for a
13 fence. This is something that during construction, as the
14 homeowner, as he's looking at the fence and playing out these
15 scenarios, that's the way his mind's working, and understanding
16 that this space is used at the same time as the back yard, so
17 that --

18 MEMBER HERNANDEZ: Now, allow me to finish my thought
19 because I allowed you to speak.

20 MR. RANT: Of course.

21 MEMBER HERNANDEZ: Your client will be sitting out there
22 having his drink or lunch or whatever, he'll see a kid fall in
23 the pool, and he'll have to run in there and go through a gate;
24 absolutely. I'm not disagreeing with. Here's the other problem
25 that the law is trying to prevent. Yes, your son is inside
26 getting his lunch, and the kids are outside somewhere. He

1 doesn't see them in the back yard. He doesn't see them in the
2 pool area. He's comfortable. The kid happens to be on the
3 right side, where he can't see him from the inside of the house.
4 While he's in the refrigerator getting his food out, the kid
5 runs into the back yard and falls in the pool. That's what the
6 law is trying to prevent. Having the kid be in an area of the
7 back yard accessible to the pool, where from inside the house,
8 or where you would normally be, you can't see them. Your own
9 photograph shows that where this patio was put creates a blind
10 spot. The patio. It's not the back yard. The patio was put on
11 a side that clearly you -- if you're sitting in that patio, you
12 can't see half of your back yard.

13 MR. RANT: Yeah, but that patio is there regardless if the
14 fence is there.

15 CHAIRMAN MAMMINA: But that was his option. His option.
16 He designed it that way.

17 MR. RANT: And that's the reason why all of the doors and
18 windows that access the rear yard have chimes and alarms and
19 safety features.

20 CHAIRMAN MAMMINA: Did he or did he not -- forget the state
21 code. State code doesn't matter. The code supersedes the state
22 code, you know, and it just reinforces further the state code.
23 They decided to build this underneath, okay. I get it right.
24 Could be lovely.

25 As it was said, I think by Mr. Donatelli, you know, they
26 could have had a patio in the back of their house with some sort

1 of a cover over it. That's not what they built.

2 The approval, which I think was fully understood was you
3 have to close that part off. So, you know, I think in looking
4 at it, you know, if it were to be considered by the rest of the
5 Board, if there were a 6-foot fence that went along that
6 north-south area with no gates on it, and then a 6-foot fence
7 coming from the north-south line of that toward the west, you
8 know, and if that had a gate in it, you know, that's okay in
9 there because you're permitted to have a gate, and then the
10 fence at the front comes down, and then the -- then my opinion
11 is that the spirit of the Town Board's requirement is met.

12 MEMBER DONATELLI: Mr. Grant, may I just ask one other
13 question?

14 MR. RANT: Yes.

15 MEMBER DONATELLI: Are you able to give us any examples of
16 other variances that this Board may have granted for similarly
17 situated pools?

18 MR. RANT: I am not able to -- I'm not able to provide
19 that, and I --

20 MEMBER DONATELLI: In my experience --

21 MR. RANT: Chairman. Chairman, I'm sorry. I just want to
22 make sure I'm understanding where this -- are you saying along
23 the 6-foot fence along the west side of the covered porch, and
24 then extend back to the property line? Is that -- is that
25 something --

26 CHAIRMAN MAMMINA: Six-foot fence. I'm just one Board

1 Member.

2 MEMBER HERNANDEZ: What Mr. Chairman is suggesting is that
3 if your concern is the inability to instantly access the back
4 yard from that enclosed or the covered patio area, the one way
5 around it would be to enclose the covered area, but only that
6 covered area by the fencing. So, yes, create sort of a triangle
7 with a smaller triangle attached to it and make that the
8 enclosure. That's one possible solution.

9 Another -- well, no, the other one would also create -- you
10 all have -- you have the blind spots. I just don't like the
11 idea of creating even more blind spots by moving that fence
12 further forward where you now have the stairs in the basement to
13 deal with as well, as a potential blind spot.

14 CHAIRMAN MAMMINA: I mean, we try to do a balancing test.

15 MR. RANT: Yes, and I appreciate that.

16 CHAIRMAN MAMMINA: You know, we're not here to say
17 absolutely, yes; absolutely, no; sorry, that's the, you know,
18 the letter of the law.

19 I don't know how everybody else feels if -- if that's a
20 reasonable accommodation to what he is trying to achieve. And I
21 do think also there's a small piece of fence that's shown on, I
22 think, another drawing or something that goes behind the garage
23 that was pointed out by Ms. Wagner to us, you know, and then
24 also --

25 SECRETARY WAGNER: Your updated plans that you submitted
26 that show that little piece behind the garage.

1 MR. RANT: Yes.

2 CHAIRMAN MAMMINA: That would have to --

3 SECRETARY WAGNER: What are you asking about it?

4 CHAIRMAN MAMMINA: Yeah. I mean, that -- again, there's a
5 -- I used to love to play behind the garage in my house. I
6 could dig holes and fill them with water, and at the time, which
7 was politically correct, I could bring my little army soldiers,
8 you know, back there, and I'd -- I see some people laughing. I
9 could make a paper boat and have them floating in there and
10 throw rocks at it and whatever.

11 So, you know, the original approval was that it came across
12 the back. I, as one Board Member, think I could see my way to
13 modifying and creating an approval, you know, in terms of what
14 we said. Again, I'm just one Board Member, and then I don't
15 feel that compromises them in any way.

16 We are all taxpayers. We pay tons of tax, you know, and
17 it's just we'd have no basis to do that. I don't think.
18 Because whatever we approve here can be brought, you know, for
19 -- it opens a door, you know, to a whole -- other groups of --
20 ways of people saying hey, but look what you did here, and it
21 may not be the exact same thing, you know, and then we have to
22 look at that, but your original approval was straight across,
23 and it achieved what the Town Board was looking for. So, for
24 me, I'm trying to find some kind of middle road.

25 MEMBER DONATELLI: As one Board Member, I would just state
26 my preference and I appreciate the fact that the Chairman is

1 working hard to try and find an alternative, but I would just as
2 one Board Member state my preference that the original grant
3 hold sway. I think we're creating a problem where none exists
4 currently with the current approved plans.

5 CHAIRMAN MAMMINA: I can't argue with that.

6 MEMBER DONATELLI: And as the Chairman said, we do a
7 weighing process, and we're not here to say absolutely say yes
8 or absolutely no, but my experience with sitting on this Board
9 is, when it comes to pool enclosures, we weigh heavily in favor
10 of safety, and in my mind, we're creating a problem where
11 currently none exists.

12 CHAIRMAN MAMMINA: As I said I'm only one Board Member.

13 MR. RANT: Understood.

14 CHAIRMAN MAMMINA: And I have no argument with.

15 MR. RANT: And I appreciate the Board's concerns, and
16 safety, you know, is a concern of ours as well, and I would, you
17 know, have to discuss with the client and looking at
18 alternatives and seeing if there's something that would be more
19 amenable and, you know, take your comments to him to discuss
20 further.

21 CHAIRMAN MAMMINA: And that's certainly reasonable. I
22 don't have any problem with that.

23 MEMBER DONATELLI: To continue it?

24 MEMBER GOODSSELL: To continue.

25 MR. RANT: Just -- I want to make sure I'm understanding.

26 SECRETARY WAGNER: (Inaudible.)

1 MEMBER HERNANDEZ: Well, unless he wants to -- unless he
2 wants to --

3 SECRETARY WAGNER: Oh, wants to submit the plans.

4 CHAIRMAN MAMMINA: Right.

5 MEMBER HERNANDEZ: He wants to discuss it with the client.

6 MR. RANT: So, the alternate or the discussion, the 6-foot
7 fence would it -- would it -- would it keep the section of the
8 patio from the covered to the rear patio open with no fence? Is
9 that -- was that understanding that or no? Maybe I wasn't
10 understanding.

11 MEMBER GOODSELL: That's not safe. I mean, the purpose of
12 a 6-foot pool enclosure fence is safety, and I think, as one
13 Board Member, I think to do a 6-foot fence and call it a pool
14 fence when it's some 40 or 50 feet away from the pool is absurd.

15 So, in my opinion, the purpose of a 6-foot fence as safety
16 really has to be where the original plans would show it, even
17 with the rear of the building line. And I don't know how you do
18 that based upon what has now been built.

19 MR. RANT: (Indicating.)

20 MEMBER GOODSELL: So, yeah, exactly --

21 MR. RANT: The extension is the rear yard. The other,
22 which again, maybe I'm misunderstanding, was to have the 6-foot
23 fence extend from the cellar entrance along the west side of the
24 covered porch, and then 90 degree, and turn to the property
25 line.

26 CHAIRMAN MAMMINA: I put that out as one Board Member, and

1 I always say, I'm one Board Member.

2 MR. RANT: Yeah, I just want to make sure --

3 CHAIRMAN MAMMINA: Well, obviously -- no, I don't think
4 that the other Board Members are agreeing, you know, with that.
5 So, it would be --

6 MEMBER GOODSELL: Wouldn't the homeowner want to put a
7 6-foot fence across the back with a larger gate so that it could
8 be opened, so that the patio could have access to the pool, but
9 it could be closed? Again, I'm not a contractor. I leave that
10 to the contractors. I'm one of the attorneys on the Board. I
11 don't see how this protects children. The proposed homeowners,
12 I see why he wants it. The homeowners would like it the way
13 you're proposing, but I don't see how that either enhances or
14 equals the protection that the original plans gave.

15 MR. RANT: Well, it -- all it does is leave access -- open
16 access from the covered porch to the rear pool patio. I mean,
17 that's the only difference. If this was not a covered porch,
18 and it was a wall, and this was a room within the house, it
19 would be the same condition. You'd have a sunroom that looks
20 out into the back yard. I mean, I don't -- I don't --

21 MEMBER HERNANDEZ: And the fence would go straight across.

22 CHAIRMAN MAMMINA: Straight across.

23 MEMBER GOODSELL: Right.

24 MR. RANT: Yeah, but if you were -- if this was a sunroom
25 with all windows, you could be sitting in there --

26 CHAIRMAN MAMMINA: But it's a barrier.

1 MR. RANT: -- and -- there's a million what if scenarios,
2 and I understand. I have a pool. I have four young kids. I
3 understand the safety concerns, and I think you can make
4 arguments for both ways.

5 I understand the intention of the Code that the Town Board
6 set. I'm trying to advocate for my client and understand what
7 he wants. I hear all of the Board's concerns. I don't think
8 we're going to come to a resolution. I -- we'll have to --

9 MEMBER GOODSSELL: Without discussing --

10 MR. RANT: Discuss with him.

11 MEMBER GOODSSELL: Exactly.

12 MR. RANT: And see what he thinks is going to be
13 appropriate, and may be going back to the original design, but
14 I, you know, will take all of your comments and relay them to
15 the owner and go from there.

16 MEMBER GOODSSELL: Exactly. Perhaps there is a way to make
17 it a retractable gate or retractable fence instead of a
18 permanent 6-foot fence, so that it can be closed and the family
19 can be on the patio without letting the kids run into the pool.

20 MR. RANT: Well, it would have to meet -- in order for it
21 to be compliant with pool code, it would have to be a fixed
22 fence --

23 MEMBER GOODSSELL: It does.

24 MR. RANT: -- or a self-closing self-latching gate. Those
25 are the options. I don't know if you can have a double gate,
26 but yes, we'll look at options, and we'll --

1 CHAIRMAN MAMMINA: Take a look at it.

2 MR. RANT: -- return. Yeah. I appreciate the Board's
3 comments.

4 CHAIRMAN MAMMINA: I know you well.

5 MR. RANT: Yeah.

6 CHAIRMAN MAMMINA: You're very talented.

7 MR. RANT: Thank you.

8 CHAIRMAN MAMMINA: And let's see what we can do.

9 MR. RANT: Okay, all right.

10 MEMBER DONATELLI: Are we adjourning to a certain date?

11 MEMBER HERNANDEZ: Are we adjourning or?

12 SECRETARY WAGNER: No, we don't have to do that.

13 MEMBER HERNANDEZ: No.

14 SECRETARY WAGNER: Just continue it.

15 MEMBER HERNANDEZ: We'll continue.

16 CHAIRMAN MAMMINA: Okay. So, we'll continue it, and then
17 you can have conversation with Ms. Wagner at the zoning office,
18 and let us know when you're ready.

19 Our goal here, which I wish was the same in other zoning
20 boards and other municipalities, was to try to get people onto
21 calendars as quickly as we can.

22 MR. RANT: Sure. All right. Thank you very much. I
23 appreciate it.

24 CHAIRMAN MAMMINA: Thank you, Mr. Rant.

25

26 SECRETARY WAGNER: Next appeal, Appeal #21761, Carmine and

1 Eileen Savino; 92 Shadyside Avenue, Port Washington; Section
2 4, Block 7, Lot 70; Zoned: Residence B.

3 Variance from 70-40.A to construct a second-story addition
4 that is too close to the street.

5 CHAIRMAN MAMMINA: You've heard Appeal #21761, Carmine and
6 Eileen Savino. Is there anyone in the room who's interested in
7 the application other than the applicant?

8 (Whereupon, no response was given.)

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

11 MR. KAPLAN: Good morning, everybody. Andrew Kaplan,
12 architect, Oyster Bay Drafting, 68 West Main Street, Oyster Bay.

13 CHAIRMAN MAMMINA: Good morning.

14 MR. KAPLAN: We have before you a property located at 92
15 Shadyside Avenue in Port Washington in a Zone B. We are seeking
16 a variance for the front yard. I would like to point out,
17 before going into the details of the proposed design, that this
18 is a non-conforming property for its existing front yard. The
19 front yard where the garage conversion is occurring is at 25.9,
20 which has not changed, which is still remaining as a one-story,
21 and then the front-yard setback to the rest of the primary
22 dwelling, to the rest of the main house is at 29 feet.

23 Our proposed second floor, which is a vertical addition to
24 the existing cape to become a full two-story home, is also set
25 to 29 feet. So, we are not increasing the nonconformity of this
26 property.

1 I would also like to point out that while the required is
2 30 feet, the average front-yard setback to this property is
3 27.28 feet. So, while we're not conforming to the required by
4 what is considered in the zoning, we are compliant to the street
5 wall of that property. So, we are actually two feet back
6 further than the average would be.

7 This design does not create any issues as far as
8 unsightliness to the neighborhood. There are actually quite a
9 few homes being built around this house in similar style and
10 design. As well, there should be no environmental issue by
11 keeping the setback the way it is currently.

12 I would also like to point out that in this design, while
13 most of the second floor is set to 29 feet, the central section
14 of this design is set to 31. So, this is not just a big brick
15 being put on top of the house. There is some architectural
16 style being put to the home.

17 As this design, as encroaches to the sky plane and all
18 other elements such as bulk coverage and other setbacks are
19 compliant. Instead of babbling some more, I'll take questions.

20 CHAIRMAN MAMMINA: It's not babble.

21 MEMBER GOODSELL: When I drove past this house and took a
22 look at it, it is not apparent to me that there is a setback
23 issue. It's not visually apparent that it's a setback issue,
24 and I appreciate the fact that your client has designed
25 something which is not flush with the front of the house, but
26 is, in fact, set back a little bit, and I think you are correct,

1 it's really only a one-foot setback.

2 The proposed renovation does not violate GFA; does it?

3 MR. KAPLAN: Correct.

4 MEMBER DONATELLI: So let me just say. As part of your
5 application, you submitted photographs, and it's real nice to
6 see photographs of the house that are not covered with eight
7 inches of snow.

8 CHAIRMAN MAMMINA: Right.

9 MEMBER DONATELLI: Harkens back to a different era; pre
10 last week.

11 MEMBER GOODSSELL: Yeah.

12 MEMBER DONATELLI: Aside from that, I would note that we
13 are at times presented with requests for variances where the
14 front-yard setback is shocking and is not fitting with the
15 character of the neighborhood. I would agree with Member
16 Goodsell that this is not one of those instances. The house is
17 already pre-existing nonconforming. Other houses in the area
18 actually have smaller setbacks because they're also pre-existing
19 nonconforming. So, as one Board Member, I actually have no
20 issue with this. I think it does, in fact, stay within the
21 character of the neighborhood. The benefits sought by the
22 applicant really can't be achieved by some other method, and
23 certainly, that the requested area variance of one-foot is not
24 substantial as these requests go. That is my opinion as one
25 Board Member.

26 Do any of the other Board Members have any questions or

1 comments?

2 MEMBER GOODSSELL: No.

3 CHAIRMAN MAMMINA: No.

4 MEMBER HERNANDEZ: No.

5 CHAIRMAN MAMMINA: I feel that this would be in character
6 with the neighborhood, and that it's -- it's a nice-looking
7 house the way it is. I'm sure the improvement will be very
8 nice, but it does not, as I drove the street, this house does
9 not jump out at me as being way too close to the street.

10 MR. KAPLAN: No. There are actually other homes that are
11 25 feet in one side. Another house 33. There really isn't a
12 defined line on this particular block. So, if this were to be,
13 you know, a situation where we wanted to try to build forward,
14 with say, a big porch or something, I could understand that
15 being a concern but being that we're simply just going vertical,
16 we're trying to keep it as existing as possible.

17 MEMBER GOODSSELL: I have no objection to this application.

18 MEMBER DONATELLI: So, Mr. Chairman, I make a motion that
19 we grant the application.

20 CHAIRMAN MAMMINA: Okay, we have a motion by Member
21 Donatelli to grant the application.

22 MEMBER GOODSSELL: I will second.

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

25 SECRETARY WAGNER: Member Hernandez?

26 MEMBER HERNANDEZ: Aye.

1 SECRETARY WAGNER: Member Goodsell?

2 MEMBER GOODSSELL: Aye.

3 SECRETARY WAGNER: Member Donatelli?

4 MEMBER DONATELLI: Aye.

5 SECRETARY WAGNER: Chairman Mammina?

6 CHAIRMAN MAMMINA: Aye. So, the application is granted.

7 MR. KAPLAN: Thank you very much. Have a great day.

8

9 SECRETARY WAGNER: Appeal #21762, ABAPW, LLC; 44 Avenue B,
10 Port Washington; Section 4, Block 37, Lot 113: Residence C.

11 Variances from 70-47.1(B) and 70-49.C to construct a new
12 two-family home on a lot that is too narrow with an existing
13 nonconforming garage, making the total size of the home and
14 garage too big.

15 CHAIRMAN MAMMINA: You heard Appeal #21762, ABAPW, LLC. Is
16 there anyone in the room who would like to speak regarding the
17 application?

18 (Whereupon, no response was given.)

19 CHAIRMAN MAMMINA: Seeing no one. Please give your name
20 and address.

21 MR. MIGATZ: Bruce W. Migatz, Law Firm Albanese and
22 Albanese, 1050 Franklin Avenue in Garden City, New York. Good
23 morning, Members of the Board, staff.

24 I did submit exhibits online. I trust that you have those
25 in your laptops. I did make larger copies of the three
26 photographs, so a little easier to see them, and I would hand

1 those up to the Board.

2 SECRETARY WAGNER: So, they're already part of the exhibits
3 just larger?

4 MR. MIGATZ: Yes. So, the owner and applicant is the LLC
5 ABAPW. The members of that LLC are Joel and Joy Robinson. They
6 are with me this morning, and architect for the project is Don
7 Alberto, who is also with us this morning.

8 The subject property 44 Avenue B in Port Washington,
9 Section 4, Block 37, Lot 113. It is a 75-foot-wide by 140-foot-
10 deep lot for an area of 10,500 square feet in a Residence C zone
11 that requires 5,000 square feet for a one-family house and
12 10,000 square feet for a two-family house. It is on the south
13 side of Avenue B. The north side of Avenue B is in the Village
14 of Port Washington North.

15 The property is now improved with a single-family dwelling
16 constructed in 1903, and a three-car garage constructed in 1928.

17 Exhibit 1 that I submitted is the Nassau County Department
18 of Assessment Property Card that shows the age of the dwelling.
19 The radius map that was submitted as part of the application
20 shows that all of the lots on the south side of Avenue B, except
21 for two lots of 50 feet wide by 140 feet deep. The two
22 exceptions are the subject property 75 by 140, and the adjacent
23 property at 48 Avenue B, which is also 75 by 140.

24 If you look at Exhibit 2, and I gave you a larger copy of
25 that photograph. That is from Google Earth, and you can see
26 what I just described. That if you look at the south side of

1 Avenue B, all of the lots are 50-by-140, with the exception of
2 two lots, and that's the subject premises 44 and the adjacent
3 premises 48.

4 Exhibit 3 is the Nassau County Assessment Card for 48, and
5 if you look at the two assessment cards, you can see that there
6 was a subdivision, not sure exactly when it was, but Lot 113,
7 the subject premises was formed by adjoining Lot 13 with a part
8 of Lot 11, and the adjacent property 48, was formed by joining
9 Lot 9 with part of Lot 11. Obviously, that was done in order to
10 construct two-family houses. Prior to 1966, you could build a
11 two-family house with a lot width of 75 feet. So, that was the
12 intent of that subdivision at that time.

13 Exhibit 5 is a picture of the subject premises.

14 Exhibit 6, a picture of the adjacent premises, and you can
15 see how large those two lots are.

16 The applicant is proposing to remove the antiquated
17 single-family dwelling and construct a new two-family dwelling,
18 and that requires two variances. A variance for lot width since
19 the code now requires 80 feet, and this lot is 75 feet, and
20 gross floor area. The Notice of Disapproval says that 2,800 is
21 permitted, and proposed is 3,453, but that's a little
22 misleading. I'll address that in a moment.

23 So, let's turn to the balancing test. The benefit to the
24 applicant is to construct a two-family dwelling on a lot that
25 has sufficient area, and prior to the change in the code, it
26 would have had sufficient width as well.

1 Case law, many years ago, held that a substandard lot
2 became substandard by a change in the code; it could be built
3 as-of-right. But case law changed that many years ago. Now,
4 we're all getting a little too old, and the Court of Appeals
5 said no, no, no, no. I don't know where that came from.
6 However, that is a factor to be considered. You still need a
7 variance, but it certainly is a factor to be considered by the
8 Zoning Board that at one time, this lot when created was a
9 buildable two-family lot.

10 Now, let's weigh the potential detriment to the community.
11 Will there be a detriment to the community or adjoining
12 properties? The lot width is five feet short. I think the
13 Google aerial photograph is very telling that you drive down
14 this block, to the naked eye, all you see are houses crammed in
15 on 50-foot-wide lots, and then you see a wide 75-foot lot, and
16 to the naked eye, I submit nobody's going to be able to tell
17 that's five feet short. It's a minimal variance. It's not
18 going to have an adverse impact on the community.

19 Exhibit 7 is the CEU for the two-family dwelling at 48.
20 That dwelling is on a 75-by-140-foot lot. That's the adjacent
21 property. It is the same size as the proposed property. The
22 proposed dwelling, I should say, on the subject property,
23 Exhibit 8 is a CEU -- I'm sorry, I misspoke.

24 Exhibit 7 was a CEU for two-family dwelling at 38 Avenue B
25 that has a lot width of 50 feet, a two-family dwelling. Same
26 within 300 feet on a lot width of 50 feet.

1 Exhibit 8 is a CEU for two-family dwelling at 40 Avenue B
2 on the lot width of 50 feet. Subject premises has a lot with a
3 75 feet. So, I would submit to you that the proposed dwelling
4 on a 75-by-140 lot is in character with the neighborhood, and in
5 fact, a single-family dwelling on this size lot would be out of
6 character with the neighborhood.

7 TOWN ATTORNEY ALGIOS: Bruce, maybe I'm looking at this
8 wrong. Do you just want to clarify the second CEU, says it's
9 for a one-family, a single-family.

10 MR. MIGATZ: It's for two one-family dwellings. Thank you
11 for pointing that out. It's for two one-family dwellings on a
12 50-foot-wide lot, and that's not in character with the
13 neighborhood. What the applicant is proposing is much more in
14 character with the neighborhood. It's the same as the adjacent
15 property on the left side.

16 Gross floor area; the disapproval notice would say it's --
17 you have 653 square feet over your 3,453; 2,800 is permitted,
18 but it's actually only 353 feet over because you're allowed to
19 have a garage, detached garage, up to 300 square feet. That
20 doesn't count. So, it's only the excess for the three-car
21 garage, the excess 353, that is over now.

22 Now, this property can bump up twice to Residence A. We
23 had that on a prior case, and the building commissioner verified
24 you can bump up twice. So, you can bump up to Residence A,
25 which requires 8,500 square foot area for a single-family
26 dwelling, and requires a width of 65 feet; we have 75, and

1 permits a gross floor area of 3,780 square feet. The gross
2 floor area of this proposed house, not counting the garage, is
3 only 2,783.4. The house is under the maximum. It's the garage
4 that puts it over, but you could build a single-family dwelling
5 much larger, 3,700 square feet. So, if you do the balancing
6 test, what is better for this lot if you're trying to prevent
7 overcrowding; a single-family dwelling, 3,780 square feet or
8 two-family dwelling 2,793 with a garage as a little bit bigger
9 than what the code would allow under the GFA.

10 I submit to you these are not substantial variances when
11 you look at the totality of the circumstances; five feet is not
12 a large percentage deviation anyway. You could argue 353 is a
13 substantial percentage deviation, but when you look at the
14 totality of the circumstances -- the aerial photograph, I think,
15 speaks volumes that this is a large property. Incidentally, lot
16 coverage is only 20 percent and 35 percent is permitted. So,
17 you're not -- did I lose you there?

18 MEMBER GOODSSELL: No, I'm just going to let you finish.

19 MR. MIGATZ: Okay.

20 MEMBER GOODSSELL: Which you've always asked us to do.

21 MR. MIGATZ: Thank you. The benefit cannot be achieved by
22 any other means. You cannot buy adjacent property. They would
23 be rendered nonconforming.

24 Yes, you could cut the garage back.

25 MEMBER GOODSSELL: And that was my question.

26 MR. MIGATZ: And if you've driven down this block, which

1 I'm sure you have, you will see that parking is at a premium.
2 It's like the Village of Manorhaven almost. And the benefit of
3 keeping that three-car garage is to get more cars off the
4 street.

5 There's also a 100-foot-plus-long driveway. But I would
6 submit to you, and I don't know if there are neighbors here who
7 would agree with me, but parking is a premium on this block, and
8 it's a benefit to the block to have a three-car garage. That's,
9 you know, that's the benefit the applicant seeks.

10 I quoted many times the case matter of Baker versus
11 Brownlie, where in that case the court held since the
12 petitioner's desired benefit is to have a patio facing the
13 water, the board's finding that it could be located elsewhere on
14 petitioner's property is clearly erroneous. So, to say to this
15 applicant, well, you can cut back the garage? Well, that's the
16 benefit we're seeking. That's the benefit we're seeking. So,
17 that's not a feasible alternative to eliminate the benefit we're
18 seeking.

19 It's a Type II action under SEQRA. Deemed not to have an
20 adverse impact on the environment. Difficulty is self-created.
21 The applicant bought the property subject to the zoning code
22 from which a variance is sought. But it's also key in this
23 factor to realize that this lot once was legal for a two-family
24 house. Was made nonconforming by a change in the code, and
25 that's a factor that the Board can certainly consider when we
26 look at practical difficulty.

1 Exhibit 9, we submitted eight consent forms. Two of them
2 are from each neighbor on the left and on the right of the
3 subject property. They both consented to the application. One
4 consent form Avenue C, and one from Avenue A, and three from
5 Henderson. But I think the two neighbors that consent are the
6 most significant consents.

7 Does the Board have any questions?

8 MEMBER DONATELLI: Mr. Migatz, I'm going to jump in. I did
9 not see in the application, and I don't know if it's there or
10 not. Are you able to give us an idea, the footprint of the
11 existing home versus the foot -- or juxtaposed over the
12 footprint of the proposed home? Is there anything in the file
13 that you've filed, or are you able to give us an idea?

14 MR. MIGATZ: I cannot, but perhaps, Don Alberto can?

15 MR. ALBERTO: I need a minute.

16 MEMBER DONATELLI: Sure. Of course. One other question.
17 The code, of course, requires two cars per residence. As you
18 indicated, it is a three-car garage, plus a very long driveway.
19 Has the applicant given any thought to how the parking will be
20 divided among the two-family houses?

21 MR. MIGATZ: No, that's a little premature.

22 MEMBER GOODSSELL: Well, actually, I think there is --

23 MEMBER HERNANDEZ: There's also parking in the front yard.

24 MEMBER GOODSSELL: Yeah.

25 MEMBER DONATELLI: Yeah, that's right.

26 MEMBER GOODSSELL: There's parking.

1 MEMBER DONATELLI: My point. Because it is a long
2 driveway. It's just four cars with three spots is bound to
3 create some bad feelings.

4 MEMBER GOODSELL: But there are on the plans two designated
5 parking spaces. There's parking in the --

6 MEMBER DONATELLI: For residents.

7 MEMBER GOODSELL: For residents. There's two designated in
8 the front. Two designated in the back. I'm not familiar with
9 the section of the code that says that you have to have a
10 three-car garage so your three cars can maintain their existence
11 without being subject to the weather.

12 MR. MIGATZ: Code doesn't say that.

13 MEMBER GOODSELL: Of course it doesn't. So, a three-car
14 garage is not a necessity. Has the applicant given any
15 consideration to -- it's a 1928 garage, to making it a
16 two-family garage -- a two-car garage.

17 MR. MIGATZ: Well, I discussed that with my client.

18 MEMBER GOODSELL: And?

19 MR. MIGATZ: And he doesn't want to do that. I mean, he
20 thinks, and I agree with him, that it's an existing structure.
21 It's in very good shape. It's a very nice-looking structure.
22 It's not like we're coming before you seeking to build a
23 three-car garage.

24 MEMBER GOODSELL: I understand that. It's pre-existing.

25 MR. MIGATZ: I know you had an application like that very
26 recently by my partner.

1 MEMBER GOODSSELL: Yes, you have.

2 MR. MIGATZ: We're not looking to build it. It's already
3 there, and we think it's a benefit for the property, and we
4 think it's a benefit for the neighborhood to leave it there.

5 MEMBER GOODSSELL: Well, the driveway is a benefit to the
6 neighborhood, yes. The long driveway, and the parking that is
7 proposed, gets the cars off the street.

8 MR. MIGATZ: But let me ask you this. Let me be a devil's
9 advocate, if I may? You're talking about gross floor area. If
10 I can build a house, a single-family house, with a much larger
11 gross floor area than what we're looking for, how is that a
12 detriment?

13 MEMBER GOODSSELL: The presence of a two-family house is far
14 more beneficial to the builder. He can sell that for much more
15 than he could sell a single-family.

16 MR. MIGATZ: Well, I'm talking about the garage. You're
17 talking -- we're talking about -- gross floor area is one of the
18 sections of the code to limit bulk; agreed?

19 MEMBER GOODSSELL: Correct.

20 MR. MIGATZ: But the bulk that we are seeking is 3,453
21 square feet with the three-car garage. We would be permitted to
22 have as-of-right, a bulk of 3,780.

23 MEMBER GOODSSELL: But that's not what you're asking us.
24 You're asking us for a two-family. I have less of a problem --
25 I have no problem with your setbacks. I have no problem with
26 the two -- or the duplex as they are marked on the plans, with

1 the duplex house. I have a problem because the code says you
2 must include the garage as GFA, and that's a big ask. That's a
3 big bulk.

4 MR. MIGATZ: But it's not a big, you know -- case law,
5 holds -- I'm going to make an analogy. Case law holds you can't
6 deny a conditional use on traffic concerns if a permitted use
7 generates the same traffic. That's case law.

8 MEMBER GOODSELL: And we've had that case.

9 MR. MIGATZ: By --

10 MEMBER GOODSELL: And those conditions.

11 MR. MIGATZ: By analogy, I would argue. You can't deny a
12 gross floor area variance if it would be permitted as-of-right
13 if you bumped up and built a one-family house. We're not adding
14 more bulk. The whole idea of gross floor area is to reduce
15 bulk. We're not adding more bulk.

16 MEMBER GOODSELL: Then what is the purpose of the code that
17 says you must include a garage that is more than 300 square
18 feet? A detached garage.

19 MR. MIGATZ: That's part of bulk. But you can build a
20 one-family house with more bulk. So, how is it a detriment to
21 have a three-car garage?

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

23 CHAIRMAN MAMMINA: We do have someone who put their hand up
24 who would like to speak, but after the presentation.

25 MEMBER DONATELLI: So, were you able to figure out about
26 the juxtaposition of the building envelope?

1 MR. MIGATZ: I think he needs more than one minute. He's
2 still --

3 MEMBER DONATELLI: Well, I saw him get up. I got all
4 excited.

5 MEMBER GOODSSELL: Mr. Alberto's a magician.

6 MR. MIGATZ: He's working on it. May I ask what the
7 relevance of that is?

8 MEMBER DONATELLI: Yeah. Certainly. Everything that we're
9 talking about so far is bulk, and bulk, in my mind, to a large
10 extent is the visual impact that one experiences when one passes
11 by the house. So, I'd like to get a sense for myself what the
12 building envelope will be as proposed, and what it currently is
13 now.

14 Do you know the square footage of the existing house?

15 MR. MIGATZ: That that we do have. But before I lose that
16 thought. What you said, Mr. Donatelli, is significant.

17 MEMBER DONATELLI: I think so.

18 MR. MIGATZ: The bulk is what you see when you drive past
19 the house. You drive past this house; you don't see the three-
20 car garage 100 feet back. You don't see it. You see the house.
21 It's not like the garage is attached to the house. It's at
22 least 100 feet back. You drive down that block. You don't see
23 the garage. You have to be looking very carefully to see that
24 garage.

25 MEMBER DONATELLI: Yes, and your point is well taken, and I
26 certainly -- I am considering that as I consider this

1 application. We are, of course, tasked with interpreting the
2 code as it is currently written, but in my experience, there
3 have been instances where -- that this Board has had where
4 garages are larger than the 300 feet, and yet we have found a
5 way to grant the variance notwithstanding the larger garage
6 because the garage is pre-existing, and it is a weighing factor.
7 That we are considering, but I am very mindful of the fact that
8 this garage is at the rear of the premises and does not present
9 itself as readily as it might if this were within the front-yard
10 setback.

11 MR. MIGATZ: Right.

12 MEMBER DONATELLI: Okay, sorry, just give me one moment.

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

14 MEMBER DONATELLI: Go ahead, please.

15 MR. MIGATZ: The footprint of the existing house is 780
16 square feet. The footprint of the proposed house is 1,346 lot
17 building coverage.

18 MEMBER HERNANDEZ: And the setbacks are the same for the
19 front yard?

20 MR. MIGATZ: Excuse me?

21 MEMBER HERNANDEZ: The setback for the front yard. Are
22 they the same? Do you know?

23 MR. MIGATZ: Well, I don't know, but the setback complies.

24 You know, I also -- you know most single-family houses
25 built today are right up to the 4,000 square foot. That's what
26 people want. That's what they want.

1 MEMBER DONATELLI: And they make a construction error of
2 even 10 feet then they're back here.

3 MR. MIGATZ: Yeah. But this is less than 3,000 square
4 feet.

5 MEMBER DONATELLI: I understand. May I ask you to repeat
6 those numbers that you just gave us because I --

7 CHAIRMAN MAMMINA: For floor area?

8 MEMBER DONATELLI: Yeah, for floor area because I'm seeing
9 --

10 MR. MIGATZ: Well, that was footprint you asked for.

11 MEMBER DONATELLI: So, the footprint. Could you repeat
12 that please?

13 MR. MIGATZ: 784, the existing house built in 1903, and
14 1,346 for the proposed two-family.

15 CHAIRMAN MAMMINA: And what raises that question was just
16 that Mr. Donatelli had asked me, what is the floor area? And it
17 could very easily just be an error, you know, in the zoning
18 chart because there is another separate calculation. But in --
19 just within that -- under floor area -- I'm looking at zoning
20 information. Under floor area, it says 22,800 square foot max,
21 and then it says existing 758 square feet, proposed 3,458.4,
22 variance required. So, that's just what raises the question,
23 and then that can be answered, you know, then by the architect.

24 MR. MIGATZ: I'm not sure I -- do you understand the
25 question?

26 CHAIRMAN MAMMINA: Don, if you go to zoning information.

1 MR. MIGATZ: Give your name.

2 MR. ALBERTO: Don Alberto, 68 Highland Avenue, Port
3 Washington.

4 CHAIRMAN MAMMINA: If you go to the chart for zoning
5 information, and I go down to its lot area, lot coverage, floor
6 area; if I move to the right, it says 2,800 max, existing 758,
7 proposed 3,453, variance required. I'm assuming that that's
8 just a draftsman gone wild.

9 MR. ALBERTO: Well, the 758 is the house, not the garage.

10 CHAIRMAN MAMMINA: Yeah, but this is -- that's the -- but
11 the house.

12 MEMBER DONATELLI: I think the house --

13 CHAIRMAN MAMMINA: It says zoning required, two-family, and
14 it's just -- this is just a clarification. That's all.

15 MR. ALBERTO: The 3,453 includes the garage.

16 CHAIRMAN MAMMINA: Yes, yes, yes, but I'm saying just that
17 it's saying the -- it doesn't say existing garage. It says
18 floor area under -- the way that I read it. It says the floor
19 is 2100 square feet max, and then it says existing 758. It
20 could just be an error. That's all.

21 MEMBER DONATELLI: Yeah.

22 CHAIRMAN MAMMINA: And it's okay if it's an error.

23 MEMBER DONATELLI: Innocent error, but it -- that's kind of
24 throwing us off a little bit.

25 CHAIRMAN MAMMINA: Right.

26 MEMBER DONATELLI: But I do understand the issue that's

1 being made. The existing house square footage or footprint
2 versus the proposed footprint. So, that I do understand. Was
3 there anything else that you needed to add?

4 MR. MIGATZ: Give me one moment, please.

5 MEMBER DONATELLI: Sure.

6 CHAIRMAN MAMMINA: Because there is a separate calculation
7 for gross floor area. Gross floor area calculation is kind of
8 diagonally to the right, and then that one comports.

9 MR. MIGATZ: Mr. Alberto has brought to my attention that
10 the -- it is shown on the plans with dotted lines, the existing
11 house, which is closer to the street than the proposed house.
12 So, the existing house in prior nonconforming front-yard
13 setback. The new house will conform.

14 MEMBER DONATELLI: So.

15 MR. MIGATZ: I just -- I don't see the relevance of
16 comparing antiquated 1903 house to what is appropriate for the
17 community.

18 MEMBER DONATELLI: Yeah, the -- we are empowered as a Board
19 to grant variances under certain limited circumstances because I
20 think we all realize that these hard and fast rules that exist
21 and mostly are -- benefit the community, but there are occasions
22 when circumstances on the ground are such that we might find our
23 way clear to granting the variance to achieve the ultimate goals
24 that we're seeking.

25 In my opinion, as one Board Member, this is one of those
26 instances, and I'd like to clarify this for the record.

1 While the footprint of the existing home -- of the proposed
2 home will be larger than the footprint of the existing
3 structure, it will be further set back. It will take the
4 possibility -- the possibility would exist otherwise for the lot
5 to be subdivided for larger structures to be built, or as the
6 applicant has indicated for a double bump up in which case then
7 the structure itself might -- as a one-family house might
8 actually be larger. So, I think that as a proposal, I think
9 that this might, in fact, make some sense, but I know that we do
10 have somebody from the audience who would like to speak. So, I
11 would like to hear from that person.

12 MR. MIGATZ: Let me just add to that. Bear in mind, the
13 existing house was built on a 50-foot-wide lot. That reduced
14 the size of the house. We're now talking about 75-foot-wide
15 lot.

16 CHAIRMAN MAMMINA: Okay, thank you. Please come forward
17 and name and address.

18 MR. MALATINO: Good morning, I apologize, I took a phone
19 call from my 97-year-old uncle.

20 CHAIRMAN MAMMINA: Oh, that's okay.

21 MR. MALATINO: My name is Michael Malatino. I'm a resident
22 on Avenue B, 36 years. I reside there with my wife.

23 CHAIRMAN MAMMINA: Just give your house number.

24 MR. MALATINO: 39 Avenue B, Port Washington, New York.
25 We've been there 36 years. We raised four children. We have
26 now three grandchildren.

1 Listening to Mr. Migatz's speech on the self-created
2 hardship and the nonconformity of the lot size for lot width,
3 and by this Board granting a two-family house, where a
4 single-family house can be double the size, I see a tremendous
5 hardship with this.

6 The block is encumbered by a tremendous amount of parking
7 and cars throughout the village. The, you know, the old
8 terraced section of the village was -- is 100-year-old homes up
9 there, which is very bucolic. It's a beautiful setting. We do
10 have two families that are pre-existing nonconformities.

11 Thankfully, the Town of North Hempstead in 1966 revised the
12 code to require an 80-foot frontage because they realized that
13 the density was getting too much, too great. Anybody who wanted
14 to have that two-family house approved should have done that
15 prior to. We were excited when the -- I welcomed the new owners
16 by the way. I truly do, and I welcome development. I'm a --
17 I'm superintendent of buildings in the Village of Westbury.
18 I've been doing this for 36 years. I understand code. I've sat
19 on the ICC boards and helped adopt new building codes. I also
20 wear another hat as a Board of Trustee for the Village of Port
21 Washington North, 21 years.

22 In 2005, prior to becoming on board in 2006, the Village
23 adopted revising their code to no longer allow two-family houses
24 in any of their codes due to the densities because of the area
25 being such an old area of 100-year-old homes. Some of the lots
26 are actually with less than 50-foot width. Yes, there are two

1 houses he spoke about that have pre-existing nonconformities,
2 where there's a cottage on a 50-foot lot in the rear of the
3 property, which is detriment, but it's there. We all know it.
4 We live with it. I bought 36 years ago. No one was there. The
5 other two-family houses you spoke about again was pre-existing
6 nonconforming, and we live with it. But to add it -- to not --
7 to add another two-family house, which the property to the south
8 of it is basically the same size, this Board would then have an
9 application coming forward next to grant another two-family on
10 that block, having four. The potential of the cars for three-
11 bedroom home is up to eight cars; husband and wife, two
12 children, four cars per side. A detached garage, which you all
13 know, especially in the snow today, we're not parking in. We're
14 going to put our -- we're going to store our equipment. We're
15 going to park the cars that we love and cover and be in there.
16 You're not going out of a detached garage that's 150 feet away.
17 If the house, the duplex, had one-car garage attached to it, I
18 can understand pulling into that garage to get into your home
19 and empty out your groceries.

20 I have affidavits from the residents in the neighborhood
21 because they all knocked on my door. We were a little confused
22 with the denial letter from the Town of North Hempstead. It
23 states the lot frontage as 75-foot, as an 80-foot is required,
24 which I understand. And the ground -- the gross floor area was
25 insufficient due to a nonconforming garage. The problem that I
26 have with the nonconforming garage is that when you take down

1 the principal dwelling, the nonconformity should be
2 distinguished, and that garage should come down. The
3 nonconformity of the garage is not stated on the denial letter
4 of why it's nonconforming. It's nonconforming because the
5 village or town requires a three-foot setback, whereas it's a
6 one-foot setback off the property line. So, Chairman, you won't
7 be digging a hole and putting water in there and swimming behind
8 this garage. It's right on the property line. I have the
9 affidavits from the owners that did sign the affidavit agreeing
10 to this, and they signed one from me, not knowing really what
11 they were signing. I'd like to give the --

12 MEMBER DONATELLI: Sorry, agreeing to what?

13 MR. MALATINO: Oh, I think that the couple, the homeowners,
14 signed a consent form. They came over to my house and signed
15 another consent form opposing this application.

16 The building zoning ordinance was changed in 1966. I have
17 a copy of that. I also have a copy of the tax maps showing the
18 property just east of this piece that's the same size, which
19 could come in later on -- at a later date to do the same thing
20 to add another duplex.

21 I don't want to take too much time, and I'm not going to go
22 through the five criteria for this application.

23 CHAIRMAN MAMMINA: But you may.

24 MR. MALATINO: I would like to submit.

25 SECRETARY WAGNER: Mr. Malatino, did you submit the -- you
26 said there was -- people signed something?

1 MR. MALATINO: I have that here.

2 SECRETARY WAGNER: Are you submitting that?

3 MR. MALATINO: I am. I also have a letter from the Board
4 of Trustees of the Village of Port Washington North opposed to
5 this application. I won't read into the record, but it talks
6 about the five criteria, and they're opposed to all five
7 conditions. That this is self-created, and this application
8 should be denied.

9 SECRETARY WAGNER: So, we're going to label these
10 Opposition Exhibit 1.

11 MR. MALATINO: This is the residents.

12 MR. MIGATZ: Could you clarify what you're marking?

13 TOWN ATTORNEY ALGIOS: Do you have a copy for counsel?

14 MR. MALATINO: Yeah.

15 SECRETARY WAGNER: Oh, let me -- hold on. So, this just --

16 MR. MIGATZ: Are they all from Port North, Michael?

17 MR. MALATINO: Yes -- no. They're from both Port
18 Washington North and the villages.

19 MR. MIGATZ: Can you put on the record which ones are from
20 Port North and which ones from unincorporated?

21 SECRETARY WAGNER: These are all the same. I'm just -- I'm
22 separating it out for him. And then you have an additional?

23 MR. MALATINO: Yeah, two of the affidavits from the Village
24 of Port Washington North. One of the affidavits, which is just
25 east of that subject property in the Town of North Hempstead.

26 TOWN ATTORNEY ALGIOS: Just go through exactly what he

1 submitted for the record.

2 SECRETARY WAGNER: Okay, I will. We're going to label
3 these.

4 MR. MALATINO: I have copies for him.

5 SECRETARY WAGNER: So, we have -- could you just go
6 through? We have four items or three items here. We have a
7 copy of the building zone ordinance in the Town of North
8 Hempstead, effective April 29, 1929, revised May 31, 1966, and
9 amended again in January 9, 1968. We have a signed -- a letter
10 signed by -- can you explain what this is? A letter to the
11 Board signed by?

12 MR. MALATINO: This was 47 Avenue B, which is Village of
13 Port Washington North. The other two are on the Town of North
14 Hempstead. One is DeLeonardis at 50 Avenue B.

15 SECRETARY WAGNER: So, you're saying these are separate
16 letters?

17 MR. MALATINO: Yes, and you have one for myself.

18 MR. MIGATZ: But you made a statement that people who
19 signed consent forms then signed opposition.

20 MR. MALATINO: DeLeonardis, 50 Avenue B.

21 MR. MIGATZ: One?

22 MR. MALATINO: One, yes.

23 SECRETARY WAGNER: So, there are how many letters
24 altogether?

25 MR. MALATINO: Three from the residents. I have -- I have
26 others, but unfortunately, I didn't have a chance to go pick

1 them up. I could submit to the Board at a later date.

2 The other affidavit is from the Village of Port Washington
3 North. It's written by the Village of Port Washington North and
4 signed by Mayor Weisner, and I submit that to the Board that
5 they are also in opposition of this as we changed -- we had a
6 moratorium back in 2005. We re-adjusted the density in the area
7 of the surrounding properties, and no longer allowed two-family
8 homes.

9 TOWN ATTORNEY ALGIOS: Mr. Malatino, I don't want to cut
10 you off, but you are past your three minutes, so if you could
11 just start wrapping it up.

12 MR. MALATINO: With all that said, I respectfully --
13 respect the Board and the decision, whatever they do. I welcome
14 the new homeowner, whatever he does do. We would love to see a
15 single-family house, double the size, and footprint, as a
16 single-family residence, and we respectfully request this
17 application be denied.

18 MEMBER HERNANDEZ: Just one clarification, because I'm not
19 familiar with you. The issue came up of Port Washington North
20 versus the Village.

21 MR. MALATINO: Yeah, the Avenue B is the dividing line
22 right down the middle. The north side of the street is Village
23 of Port Washington North.

24 MEMBER HERNANDEZ: Okay.

25 MR. MALATINO: The south side of the street is Town of
26 North Hempstead. So, I'm lucky, I get to pay two taxes to North

1 Hempstead and Village.

2 MEMBER HERNANDEZ: Okay, thank you.

3 MR. MALATINO: You're welcome. It's one neighborhood,
4 though.

5 MEMBER HERNANDEZ: Yeah, of course.

6 TOWN ATTORNEY ALGIOS: Somebody else wants to speak.

7 MEMBER HERNANDEZ: Okay, somebody else wants to speak.

8 CHAIRMAN MAMMINA: Yeah. We also have some other hands up.

9 MEMBER HERNANDEZ: Anybody else?

10 CHAIRMAN MAMMINA: Please come on up, and good morning and
11 welcome.

12 MS. NOVOTNY: Good morning. My name is Carol Novotny --

13 CHAIRMAN MAMMINA: Just pull the microphone.

14 MEMBER HERNANDEZ: Over.

15 CHAIRMAN MAMMINA: Over to you. You can -- it moves.

16 MS. NOVOTNY: My name is Carol Novotny. I live at 42
17 Avenue B, right next door to the property in question. I am the
18 third generation there. I have a lot of regard for Mike. He's
19 my neighbor across the street and -- however, I do disagree with
20 opposition to the proposed building. I have no problem with the
21 garage that is there. It's been there. There are quite a few
22 homes in the area that have garages right up against the back
23 line of the lot. I also -- what I've noticed, in the many
24 years, decades that I have lived there, the largest homes in
25 terms of the density, housing density, the largest homes that
26 have been built have been in Port Washington North across the

1 street, and in many ways, we were shocked when that started
2 happening. The house that I believe is proposed for 44 is not
3 -- I do not see it as increasing the density that it's going to.
4 That perhaps Mike had talked about. I also, you know, I -- this
5 is only third hand, but I had -- I believe Mike was interested
6 in buying that property. I don't know if that creates any bias
7 or disappointment for him, but I again, have consented to the
8 proposed plans.

9 CHAIRMAN MAMMINA: Thank you.

10 MS. NOVOTNY: Thank you.

11 CHAIRMAN MAMMINA: Thank you for taking the time to come
12 out. Anyone else?

13 MR. MALATINO: (Raises hand.)

14 CHAIRMAN MAMMINA: We usually -- we don't do counterpoint
15 comments because Mr. Malatino wanted to make another comment.
16 So, we can't -- we can't do that, though.

17 MR. MALATINO: Oh, you don't do that.

18 CHAIRMAN MAMMINA: No, we don't do that.

19 MR. MIGATZ: The only opposition from Mr. Malatino is that
20 the Village of Port Washington North doesn't like two-family
21 houses in their village. They can do whatever they want in
22 their village. Now, yes, zoning does take into account the
23 geographic area as a whole, and when you look at the geographic
24 area as a whole, as on the aerial photograph, this two-family
25 house lot is consistent with the area of the neighborhood as you
26 drive down the block.

1 The trustees of Port North should not dictate to this Board
2 that we don't like two-family houses, period. We outlaw them
3 throughout the whole village, so you should do the same. No.
4 The question before you is, does granting a five-foot variance
5 for lot width cause a detriment to this neighborhood. Two
6 families are permitted, but for the fact that it's five-feet
7 short in width. That's the issue before the Board, not a
8 philosophical issue that we don't want any more two-family
9 houses in Port North. This is not in Port North. It's in North
10 Hempstead.

11 So, does granting a five-foot variance that is not
12 discernible to the eye a detriment to the community? No. No
13 way. No way.

14 I heard Mr. Malatino say I believe that there is a lot of
15 cars in the neighborhood. Well, that's why we want to keep a
16 three-car garage. Now, I've been told by Mr. Alberto that a
17 two-car garage needs at least 400 square feet. That's two,
18 10-by-20 parking spaces. So, you would still need a GFA, gross
19 floor area variance, if you want a two-car garage. What's the
20 detriment of keeping a three-car garage when Mr. Malatino says,
21 yeah, there's a lot of cars here.

22 So -- and I want you to -- I don't want to beat a dead
23 horse, but case law says you can take into account the fact that
24 prior to the change in the code, this was a compliant lot. That
25 is an element that you are allowed and should consider. We're
26 not doing a subdivision. Now, this is not a subdivision where

1 we're creating two 75-foot-wide lots. They exist. They were
2 legal until the code was changed in '66. That's a very
3 important factor for you to consider in granting a five-foot
4 variance. We're not granting a variance to build a two-family
5 house. That's permitted. We're granting a variance of five
6 feet for lot width, and -- I'll let that dead horse get up in a
7 moment. But when you can build a one-family house that has more
8 gross floor area than what we're proposing with the three-car
9 garage, I don't think it's rational to say we're going to deny
10 that. I really don't.

11 Any questions?

12 MEMBER DONATELLI: So, Mr. Chairman, we've heard arguments
13 on both sides, and we've been -- we've had some exhibits
14 presented that I personally have not had a chance to review.
15 So, I would ask that we reserve decision on this perhaps to --
16 first of all, to review the exhibits that were just handed up,
17 and to also perhaps visit the property again to give this the
18 due consideration and deliberation that I think it deserves.

19 CHAIRMAN MAMMINA: Okay, so we have a --

20 MEMBER GOODSELL: I also think we should reserve. I don't
21 think it needs to be continued. We've heard all the evidence.
22 We've heard all the people that wanted to speak, but I do think
23 we should reserve it.

24 CHAIRMAN MAMMINA: So, we have a motion then.

25 MEMBER DONATELLI: Well, is it a motion?

26 TOWN ATTORNEY ALGIOS: No.

1 MEMBER HERNANDEZ: Reserve.

2 CHAIRMAN MAMMINA: Oh, it's just a reserve, thank you.

3 MEMBER DONATELLI: Yes.

4 CHAIRMAN MAMMINA: All right, so we will reserve decision
5 on this application, and I'm relatively certain that it will not
6 be decided today, so.

7 MR. MIGATZ: Thank you. Another year comes to an end.
8 It's been a pleasure once again appearing before you in '25. I
9 hope to be back in '26.

10 CHAIRMAN MAMMINA: Yes, we hope so too.

11 MR. MIGATZ: I wish you all Merry Christmas, Happy
12 Hanukkah, and a happy, healthy New Year.

13 MEMBER GOODSSELL: Thank you, Mr. Migatz.

14 MR. MIGATZ: Thank you, all.

15

16

17 SECRETARY WAGNER: Appeal #21763, David & Joanne Strongin;
18 42 Hillview Avenue, Port Washington; Section 5, Block D, Lot
19 144; Zoned: Residence C.

20 Variance from 70-50.C to legalize a sunroom that is too
21 close to the street.

22 CHAIRMAN MAMMINA: You've heard Appeal #21763, David and
23 Joanne Strongin. Is there anyone in the room who wishes to
24 speak regarding the application?

25 (Whereupon, no response given.)

26 CHAIRMAN MAMMINA: Seeing no one. Please give your name

1 and address.

2 MR. O'CONNELL: Thank you, Chairman, Members of the Board.
3 For the record, my name is Todd O'Connell, architect, doing
4 business at 1200 Veterans Highway, Hauppauge, New York.
5 Architect for the Strongins.

6 So, what we are here for is, unfortunately, an existing
7 porch, which used to be an open porch, a screened porch, in
8 fact, that they installed some windows in, so it became part of
9 the house. We did not change the footprint to the house. We
10 didn't, you know, change the way the house looks on the outside,
11 believe it or not, even though we, you know, changed out screens
12 to windows, and if you haven't been able to, I actually have a
13 picture of prior to the windows being installed, and you know
14 and what it is today, and you could see that, you know, the
15 character is really no different.

16 SECRETARY WAGNER: Were these sent to the Board previously?

17 MR. O'CONNELL: Not the prior picture. The one of the --
18 one of what it is today was sent, but not the picture of prior
19 to the windows being converted.

20 SECRETARY WAGNER: All right. This will be Exhibit 1.

21 MR. O'CONNELL: So, that work was done approximately 2007.
22 There were no comments from the neighbors. No issues.

23 If you look at the floor plans of the house that was
24 submitted, you can see that the enclosure of this space did
25 serve several purposes. Where the door used to be, it's right
26 on top of where the stairs is -- when you walk in there's no

1 closet, no place to put coats or anything. It's a, you know, a
2 very tight house. In closing this, gave him the ability to
3 number one, conserve some energy. It gave him a place where
4 they could actually put their coats, you know, without being
5 smack in the middle of their living room. There is a mudroom on
6 the side, but it's very difficult to access because they park
7 their car in the driveway. So, to get to that side little
8 mudroom entrance is next to impossible trying to navigate, you
9 know, past the sides of the home as it's only a 9.5-foot wide
10 driveway. So, it's a very tight property.

11 So, the benefit achieved by, you know, being able to put
12 windows where those screened openings were really created a
13 benefit to my client. Again, no negative impact to the
14 character of the neighborhood by what they did, in my opinion.

15 Benefit achieved, you know, outweighed any detriment.
16 Knowing what my clients' goals were, if I was to work with them
17 back in the day, back in 2007, I probably would have recommended
18 them going to the Board to accomplish their goals knowing that,
19 you know, it wouldn't have an adverse effect to the surrounding
20 neighborhood.

21 So, that's what this case is all about. I believe after
22 you see the pictures, you can have a full understanding of what
23 we're here for.

24 And with that, I'd love to answer any questions you may
25 have.

26 MEMBER DONATELLI: Were your clients the ones who actually

1 constructed this when it was originally constructed?

2 MR. O'CONNELL: Yes, they were, back in 2007. They just
3 took the screens out and put in windows. The openings were all
4 there already.

5 MEMBER DONATELLI: And of course, that was done without the
6 benefit of a permit.

7 MR. O'CONNELL: That's correct. Ignorance is bliss. But,
8 you know, obviously, it sounds like something so simple just to
9 take out a screen and put a solid piece of glass in that they
10 more than likely --

11 MEMBER GOODSELL: I'm sure they did more than that. The
12 room is now usable. I'm sure there's heat in there. I'm sure
13 that there's --

14 MR. O'CONNELL: I'm sure, yes, 100 percent.

15 MEMBER GOODSELL: It is a livable space. It's not a huge
16 livable space, but it is, in fact, a livable space.

17 MR. O'CONNELL: Right.

18 MEMBER GOODSELL: It's interesting, and I'm glad that you
19 said that because there is some hint in the record that a prior
20 owner may have done this, but in fact, they've owned this house
21 for a very long time.

22 MR. O'CONNELL: Yes.

23 MEMBER GOODSELL: And I would be surprised if a prior owner
24 did this. So, I'm glad that they're willing to say, okay, we
25 did it without permits, and I'm not surprised that none of the
26 neighbors objected because frankly, in a good neighborhood,

1 people don't report each other.

2 MR. O'CONNELL: Right. Very true.

3 MEMBER GOODSSELL: We all know each other.

4 MR. O'CONNELL: Very true.

5 MEMBER GOODSSELL: I know when my neighbor put up a fence
6 that was not quite legal, but it's -- it's not legal because the
7 building department didn't catch them, it's not legal because
8 it's not legal. If I can put that on the record.

9 CHAIRMAN MAMMINA: I will put one other thing on the record
10 that I don't necessarily think matters, but I mean, when the
11 work was done, it was more than just putting windows in. The
12 whole floor plate was opened up, you know, in there. Walls were
13 taken down, but --

14 MR. O'CONNELL: Yes, as I mentioned -- so it gives them
15 more entrance by the front door and everything. Exactly.
16 That's part of the record, yes.

17 CHAIRMAN MAMMINA: It adds a lot onto it. Was the -- do
18 you know if the entrance from the side of the sunroom where the
19 entrance is now, you know, just as a curiosity, is that where it
20 -- where it was originally?

21 MR. O'CONNELL: Yeah, we have a picture of the original
22 screened room, and when I submitted.

23 MEMBER HERNANDEZ: The door to the house itself. This is
24 the door --

25 MR. O'CONNELL: Was the one on the side.

26 MEMBER HERNANDEZ: So, that you walked through the screen

1 room and then you made a U-turn to come into the house.

2 MR. O'CONNELL: Yeah, that's the pre -- you know, prior to
3 them doing any work to the house. That picture. It looks the
4 same.

5 CHAIRMAN MAMMINA: I went through that saying, boy, that's
6 very odd.

7 MR. O'CONNELL: Yeah, looks the same.

8 CHAIRMAN MAMMINA: They should have hired an architect.

9 MEMBER DONATELLI: So, you know that we are required to
10 consider the Five Factors, and one of the factors in my mind is
11 we balance the benefit to the applicant versus the detriment to
12 the community is what the cost would be to bring this house back
13 into compliance. Do you, as an architect, have an estimate that
14 you can give us as to what the cost might be to bring the house
15 into --

16 MR. O'CONNELL: Yeah, absolutely. I mean, you know, it
17 means, I have to rip out all the electric, Sheetrock because if
18 I open it up, it has to all be, you know -- it's going to take
19 to the weather. Closing up, you know, the parts of the house
20 that were open, putting in doors. With today, minimum 40 grand.

21 MEMBER HERNANDEZ: That'll be a good price.

22 MR. O'CONNELL: Yeah.

23 MEMBER HERNANDEZ: Today.

24 MR. O'CONNELL: Today, yeah. It's a lot. It's a lot of
25 money.

26 MEMBER GOODSSELL: Just as one Board Member, I don't really

1 have an objection to this. I think if they had applied for a
2 permit, I think this is something that we would have granted.
3 The character of the neighborhood is kind of all over the place.
4 There's a lot of -- this is not a development. There's a lot of
5 individual houses. This is not the only house on the block that
6 has a mudroom or some sort of projection that comes out.
7 There's one house I noticed a few houses away, where it looks
8 like the entrance to the house -- the house is built sideways.
9 The entrance to the house is on the side of the house rather
10 than in the front of the house.

11 I'm sorry they did it without a permit, but I think we
12 would have granted a permit in any event. So, I don't have any
13 objection to this.

14 MEMBER DONATELLI: Can I just ask, do we have somewhere in
15 the submission, the setbacks for the houses that are on the
16 block?

17 MR. O'CONNELL: Yes.

18 MEMBER DONATELLI: Can you direct me to that, please?

19 MR. O'CONNELL: We have a radius map that was submitted,
20 and I also have a copy of the radius map here -- or for the
21 average front-yard setback calculations.

22 MEMBER GOODSELL: It's on the survey as well.

23 MR. O'CONNELL: Yes, and it's on the survey, correct.

24 MEMBER DONATELLI: Just give me a moment. I'm looking for
25 that.

26 SECRETARY WAGNER: You submitted the radius map to the BZA?

1 MR. O'CONNELL: Probably to the building department, and it
2 should be on the plans as well, but I could submit this up, if
3 you'd like?

4 SECRETARY WAGNER: Is that a survey?

5 MEMBER GOODSSELL: Yeah, that's the survey.

6 SECRETARY WAGNER: Oh, that is the survey.

7 MEMBER GOODSSELL: We have that.

8 MEMBER DONATELLI: So, yeah, I am looking at, I guess, the
9 survey that is showing perhaps five houses to the right and
10 perhaps five houses to the left. It appears that most of them
11 are 25, 24-6, 26. This applicant is at 17-2.5, and then it
12 resumes with other houses 25 and 30 and 25. I will tell you,
13 I'm very torn by this because as I drove the street, and you
14 know, Hillview Avenue is a little bit out of the way, so you
15 really have to go there because it's not a through street, but
16 as I drove the street this really popped out at me. As we were
17 talking about before, really standing out as violating the
18 front-yard setback in a very dramatic way. Now, as the, I
19 guess, as Member Goodsell has said, we have granted variances on
20 occasion for houses in other areas of town where you walk in,
21 and you're immediately confronted with the stairs, or you're
22 immediately confronted with some other structure that really
23 limits the usage of the front room, but this struck me as being
24 a bit egregious. The cost of \$40,000 is rather high for
25 remediation, and that is certainly part of what we do consider.
26 Think my preference would be because it is so obvious to the

1 naked eye as you drive up and down the street, my preference
2 would be to give this some additional consideration. I just --
3 we need to be careful about any precedent that we set up. The
4 houses in this area, for the most part, have much larger front-
5 yard setbacks, so I want to be careful about the precedents that
6 we set.

7 CHAIRMAN MAMMINA: Sure. I see that because the only -- it
8 is the closest house to the street. I will say the neighbor
9 next door, it's 18-foot-6, but then as was pointed out, you
10 know, they set back, I would have to use the word considerably
11 more, you know, for all intents and purposes than from 25 feet
12 to 30 feet, so -- yeah, I think a look at the overall
13 neighborhood, you know, would be helpful.

14 So, do we want to reserve, or do we want to continue?

15 MEMBER GOODSELL: I think it's worth looking at the houses
16 across the street.

17 CHAIRMAN MAMMINA: Yeah, I think we should --

18 MEMBER GOODSELL: -- the setbacks on the survey on this one
19 --

20 CHAIRMAN MAMMINA: I think we should look at that.

21 MEMBER GOODSELL: -- but if I look at the houses across the
22 street -- I'm on Google street view, but I'm also on Google
23 aerial view, which I just have to flip now to the -- it looks to
24 me like there are other houses on the block, so I don't mind
25 reserving, and looking at this again.

26 MR. O'CONNELL: If I could also just to -- again, I did

1 mention this. I just want to make sure it's clear. That even
2 if he was to revert back, it's not going to look any different.
3 It's just, it's literally -- the character is just it's a window
4 versus a screen. It's not changing the structure or the bulk of
5 what's already there at all.

6 CHAIRMAN MAMMINA: Are there records for the original
7 building? They might've been in here, and I didn't -- maybe I
8 didn't see them for the original house?

9 MEMBER GOODSELL: The tax card, possibly.

10 CHAIRMAN MAMMINA: The tax card.

11 MEMBER GOODSELL: I looked at the tax card.

12 CHAIRMAN MAMMINA: Could be, yeah.

13 MEMBER GOODSELL: There's something on the tax card.

14 SECRETARY WAGNER: It was a Certificate of Existing Use for
15 this house, right?

16 MR. O'CONNELL: Yes.

17 SECRETARY WAGNER: Was there a plan with that?

18 MR. O'CONNELL: A plan?

19 SECRETARY WAGNER: A survey or anything showing what was
20 there at the time the certificate was --

21 MR. O'CONNELL: I haven't -- I mean, I have an older survey
22 but -- which, you know, is quite old. I could show you that,
23 and it shows it as a -- the same footprint with this -- as, you
24 know, a screened porch.

25 MEMBER DONATELLI: May we see that? What is the date of
26 that survey?

1 MR. O'CONNELL: Sure.

2 MEMBER DONATELLI: You know, and the other thing that I
3 would just like to put on the record is the application
4 describes this as a sunroom, but to my mind, it is not what we
5 typically think of when we think of a sunroom. I think of a
6 sunroom as typically a glass enclosure or an atrium, something
7 like this. This is brick. This is a brick facade.

8 MR. O'CONNELL: No, it's not.

9 MEMBER DONATELLI: No?

10 MR. O'CONNELL: It's all siding that matches the house.
11 It's all open glass.

12 MEMBER HERNANDEZ: It's all siding, yeah.

13 MEMBER DONATELLI: It's siding?

14 MR. O'CONNELL: Yeah.

15 MEMBER DONATELLI: Well, it appears to be a structure, not
16 a glass enclosure. I think that --

17 MR. O'CONNELL: Reason for the glass 'cause as much
18 screener, this is just glass now instead of screen. That's the
19 only change from the aesthetic to on the outside.

20 There is no date on this survey, but just from doing this
21 for so long, I'd probably say it's back from the 50s.

22 SECRETARY WAGNER: You want to submit this on the record?

23 MR. O'CONNELL: Yes.

24 SECRETARY WAGNER: This will be Exhibit 2.

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

26 MR. O'CONNELL: You could also -- if you look at the

1 construction of the house and the way they did the roof eaves and
2 everything else, you could tell that it was all built at the same
3 time.

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

5 MEMBER DONATELLI: I don't know that I need any additional
6 documentation or information, but I would like the opportunity
7 to reserve decision, and to just consider this because it is a
8 large variance compared to other houses.

9 CHAIRMAN MAMMINA: Sure. All right, so then, we'll reserve
10 decision on the application. I don't think we'd be making a
11 decision today, so that we could take a look at it again. I
12 can't promise, but it'll probably be at our next hearing. Thank
13 you, Mr. O'Connell.

14 MR. O'CONNELL: I appreciate it. Have a great holiday,
15 everyone.

16 CHAIRMAN MAMMINA: Thank you.

17 MR. O'CONNELL: I'll see you in the new year.

18 MEMBER HERNANDEZ: Yes.

19

20

21 SECRETARY WAGNER: Appeal #21764, Jennifer Belfiore and
22 Ralph Schrader; 35 Yale Street, Roslyn Heights; Section 7, Block
23 83, Lot 113; Zoned: Residence B.

24 Variances from 70-39.C, 70-40.A, and 70-101.B to legalize a
25 new home that is too big and is located too close to the street,
26 and to legalize a porch that is located too close to the street.

1 CHAIRMAN MAMMINA: You've heard Appeal #21764, Jennifer
2 Belfiore and Ralph Schrader. Is there anyone else in the room
3 who is interested in the application other than the applicant?

4 (Whereupon, no response given.)

5 CHAIRMAN MAMMINA: Seeing no one. So, please both give
6 your name and address.

7 MS. BELFIORE-SCHRADER: My name is Jennifer
8 Belfiore-Schrader. I live at 35 Yale Street, Roslyn Heights.

9 MR. SCHRADER: I'm Ralph Schrader, 35 Yale Street, Roslyn
10 Heights.

11 CHAIRMAN MAMMINA: All right. And the only thing that we
12 ask is you certainly may both speak.

13 MS. BELFIORE-SCHRADER: Can we speak?

14 MEMBER HERNANDEZ: Yes.

15 CHAIRMAN MAMMINA: Oh, no, it's your turn.

16 MS. BELFIORE-SCHRADER: I know. Can we both speak?

17 CHAIRMAN MAMMINA: You, of course, you may both speak.

18 SECRETARY WAGNER: One at a time.

19 MEMBER HERNANDEZ: One at a time.

20 CHAIRMAN MAMMINA: One at a time, yes.

21 MEMBER GOODSELL: Not in chorus, please.

22 MS. BELFIORE-SCHRADER: That's fine. I have a clarifying
23 question.

24 CHAIRMAN MAMMINA: Sure.

25 MS. BELFIORE-SCHRADER: We're under the impression that we
26 can only apply for this variance for these violations once; is

1 that correct? Like whatever happens as a result of this
2 variance, we can -- we can't come back again.

3 MEMBER HERNANDEZ: No.

4 MS. BELFIORE-SCHRADER: Okay. I'm saying that because as
5 homeowners, we've waited for almost 20 years to try to resolve
6 this issue, and I -- and we're fully aware that this is like a
7 one-shot deal. That if it doesn't get resolved at this time, it
8 puts us in a very precarious situation, so.

9 CHAIRMAN MAMMINA: I can make a suggestion, which I will
10 assume that our counsel will say is okay, you know, for me to
11 make because yes, this is a very important thing, you know, for
12 you. This is not something that normally the homeowner would
13 bring in.

14 MS. BELFIORE-SCHRADER: I understand that.

15 CHAIRMAN MAMMINA: So, I'm saying generally --

16 MS. BELFIORE-SCHRADER: No, I know.

17 CHAIRMAN MAMMINA: -- you would be represented, but you
18 don't have to be. So, it's up to you.

19 MS. BELFIORE-SCHRADER: Right. And I'm also -- in spirit
20 of that, we're coming as homeowners. We're not -- we have not
21 come with legal representation, and we are anxious to resolve
22 the issue that's been going on for 20 years, right? So.

23 CHAIRMAN MAMMINA: But I will -- I will repeat what I said
24 at the beginning because I just think it's important to
25 understand. This is a quasi-judicial hearing, and there are
26 points of law that have to be made, and we will at some point

1 ask you to make the points of law to how are those Five Factors
2 justified in terms of this. So, if you feel that you're
3 prepared to do that, then you may proceed or you may just ask
4 for an adjournment or an extension of time because we try to be
5 as fair as we possibly can. So, but then again, that's your
6 decision.

7 MS. BELFIORE-SCHRADER: Okay. And you're all fully aware
8 of the history of the house and what's --

9 MEMBER GOODSELL: Why don't you put it on the record? It's
10 not what we're aware of.

11 MS. BELFIORE-SCHRADER: Okay, I understand.

12 MEMBER GOODSELL: The stenographer is taking this down.

13 MS. BELFIORE-SCHRADER: So, for the record, we bought the
14 house in February of 2005. We bought the house from Sun USA
15 America, a construction company. We were not involved in the
16 planning of the house, the building of the house. We didn't
17 seek out an architect prior to building the house. We bought
18 the house directly from the builder, and when we bought the
19 house, we got a mortgage. It went through title. We had a C of
20 O, and we were encouraged to, you know, that the house was built
21 to code. That everything was fine with the house. That an
22 outside inspector was not needed. Everything was fine, and we
23 went and bought the house.

24 MEMBER GOODSELL: So, your title report did show that you
25 had a Certificate of Occupancy?

26 MS. BELFIORE-SCHRADER: At the time, yes.

1 MEMBER GOODSELL: At the time you bought in 2005.

2 MS. BELFIORE-SCHRADER: Yes.

3 MEMBER GOODSELL: Okay, what happened?

4 MS. BELFIORE-SCHRADER: So, then in 2007, we received a
5 letter from the town informing us that the house was out of
6 code. That it exceeded square footage. That the setback was
7 too close to the sidewalk. That's actually about it. It was a
8 -- it was a square footage issue. It was considered an
9 overbuild. We had no idea, and at the time -- and the town at
10 the time, the solution to the problem was to ask us to do three
11 things.

12 One was to construct -- reconstruct the home or build --
13 bring the home to code by either taking away square footage of
14 the home. Lifting the home. I have a letter saying that we
15 could lift the home and move it back. Take off the roof line of
16 the home and make significant construction changes to the home,
17 which at the time seems unreasonable, and not really feasible to
18 do. We had just bought the home.

19 The other alternative was fees. For us, it was in excess
20 of \$130,000 to pay penalties, so that the house could be brought
21 to code and --

22 MEMBER GOODSELL: Had you considered at that point bringing
23 a lawsuit against the company that sold you the house?

24 MS. BELFIORE-SCHRADER: So, at the time, Richard Raskin was
25 brought in as an independent consultant, that the town had
26 brought in to help the owners of these towns bring the houses to

1 code and find pathways forward. The town consultant, Richard
2 Raskin -- and we were extremely compliant because we were very
3 nervous, and did not have the money to pay the fees, and we
4 weren't really going to go anywhere. We had just moved into the
5 home, and we can't sell the home. He advised us to have the
6 home redrawn, to have the home resurveyed, which we did.

7 So, we redrew the home because the builder had submitted
8 false plans. The plans that were on record for the town did not
9 reflect our home. So, when I first saw the plans that the town
10 had approved, we said that's not our house. Again, we know
11 nothing about this, but Richard Raskin had asked us to be
12 compliant, and to try to resolve the issue, and to redraw the
13 home.

14 So, we paid about \$3,000 to redraw the home. We paid about
15 \$350 to resurvey the home, and at the time, we retained an
16 attorney to work with Richard Raskin, which also was several
17 thousand dollars.

18 CHAIRMAN MAMMINA: May I ask just a quick question.

19 MS. BELFIORE-SCHRADER: Yeah.

20 CHAIRMAN MAMMINA: The disapproved drawings that are in
21 here that are dated 2025, those are the ones that you had
22 redrawn by an architect, Mr. Dalessio?

23 MS. BELFIORE-SCHRADER: Yeah.

24 CHAIRMAN MAMMINA: Okay.

25 MS. BELFIORE-SCHRADER: Yeah.

26 CHAIRMAN MAMMINA: Just want to make sure those are not the

1 originals.

2 MS. BELFIORE-SCHRADER: Right. So then, basically, the
3 town at that time, didn't feel that was sufficient, and they --
4 Richard Raskin told us that we would still be responsible for
5 the fines, and we, at that point, didn't know what to do, and
6 our attorney, who was working with the town had advised us to
7 just wait.

8 So, at the time, we threatened to sue the town for issuing
9 us an incorrect -- for leading us astray or, you know, we kind
10 of threatened that we were victims. We were innocent victims of
11 this department scandal, and that we had no -- we had no path
12 forward. So, our attorney advised us to wait and see what
13 happens, and maybe the town would find a way forward.

14 MEMBER GOODSSELL: What was the fine that they quoted you in
15 those days?

16 MS. BELFIORE-SCHRADER: \$130,000. In excess of \$130,000.

17 So, basically, we've waited. We've been in the house for
18 20 years. I feel like we're sort of sitting, waiting for the
19 town to give us options to move forward, and then recently, we
20 saw an article in the Roslyn Times and Alex Royte, I guess, is a
21 member of the country club, and he was in the paper publishing
22 an article that he had seeked a variance for his house. He was
23 similar -- a similar overbuild. Had we not seen the article in
24 the Roslyn Times, we would not have been aware that the town was
25 looking to correct the wrongs that they had done in 2000, and so
26 -- it's almost by chance that we found that the town was willing

1 to look at these houses again.

2 So, maybe a half a year ago, I reached out to Mr. Troiano,
3 and I asked him if our house could be reconsidered in the
4 resolution that I believe you guys were trying to come up with,
5 and I also reached out to Ed Scott, our councilperson, who told
6 us that, you know, we should probably try to start to rectify
7 this issue.

8 Our understanding is that the town has passed a resolution
9 saying that they would allow houses to bring their house to code
10 at a 35 percent reduction fee. My husband and I feel that we
11 are still innocent victims. That we did not build the house.
12 We didn't overbuild the house. To our knowledge, we bought the
13 house from the builder, and that it's really the fault of the
14 builder. It's really not our fault, and the 35 percent
15 reduction fee doesn't seem reasonable for us 'cause it really
16 only brings our fees down to \$67,000, which we still feel is
17 unreasonable considering that we're just innocent victims.

18 So, here we are. So, we've been working with the town.
19 We've been working with Haramis and Norian, and they're advising
20 us that the path forward for us would be to apply for a
21 variance, and so that's what brings us here today.

22 MEMBER GOODSELL: I've been looking at your plans, which
23 are submitted online, and which the Chairman referred to. From
24 what I can see, the house is essentially a large box. There
25 really isn't a way to cut anything down.

26 MS. BELFIORE-SCHRADER: Correct.

1 MEMBER GOODSSELL: From what I can see.

2 MS. BELFIORE-SCHRADER: Correct.

3 MEMBER GOODSSELL: Is that your opinion as well?

4 MS. BELFIORE-SCHRADER: My -- yeah, that is our opinion.
5 You're asking us to remove like the second floor of our house.

6 MEMBER GOODSSELL: Yeah.

7 MS. BELFIORE-SCHRADER: Living space.

8 MEMBER GOODSSELL: That might do it, yes.

9 MS. BELFIORE-SCHRADER: I don't see how it's possible. I
10 also feel like it's economically devastating for us as a family.

11 CHAIRMAN MAMMINA: Maybe, unfortunately, for you, but we
12 have in the past, you know, had people that took parts out of,
13 specifically, the second floors of their house, and made those
14 outdoor porch areas.

15 And look, I understand the inequity. So, I am in no way
16 making light of what is here, you know, and if we were sitting
17 at a barbecue, I would give you all of my opinions on this,
18 maybe.

19 I mean, they're -- we've got tests of law that we are
20 obligated to look at. We don't have discretion, you know, on
21 those things. And I'm not sympathetic, I'm empathetic to the
22 situation that you're in, but just as one Board Member, I'm not
23 sure how to travel with this.

24 MS. BELFIORE-SCHRADER: Well, can I -- I did prepare -- I
25 mean, we prepared our statement on the Five Factors for the area
26 variance, so.

1 CHAIRMAN MAMMINA: Yeah.

2 MS. BELFIORE-SCHRADER: So, Factor 1 is, whether an
3 undesirable change will be produced in the character of the
4 neighborhood or a detriment to nearby properties will be created
5 by granting of the area variance? The variance would not create
6 an undesirable change. Our home has existed in its current form
7 since it was built in 2004, and it fits seamlessly with the
8 surrounding neighborhood character. In fact, multiple homes on
9 Yale Street, including the house directly next to us, 2 Yale
10 Street, have undergone significant renovations and expansions
11 over the years, or actually recently. This house was permitted
12 right next to us, 2 Yale Street, and many of the homes that are
13 in our neighborhood now are larger than ours reflecting that the
14 town has had a pattern of approved growth and modernization of
15 the area.

16 MEMBER GOODSELL: Do you have any of those addresses?

17 MS. BELFIORE-SCHRADER: Well, 2 Yale Street right next to
18 us is an example of a house that has --

19 MEMBER GOODSELL: We noticed.

20 MS. BELFIORE-SCHRADER: Yeah, its setback is actually
21 closer than ours, and they're -- they have like a porch.

22 MEMBER GOODSELL: You're number 35?

23 MS. BELFIORE-SCHRADER: We're 35.

24 MEMBER GOODSELL: And the house next to you is 2?

25 MS. BELFIORE-SCHRADER: Yes.

26 MEMBER GOODSELL: How odd?

1 MS. BELFIORE-SCHRADER: Yeah, I don't know why that is.

2 MEMBER DONATELLI: I remember that causing me agita the
3 first time around. The numbers are a little bit skewed.

4 MS. BELFIORE-SCHRADER: Yeah, I don't know -- I don't know
5 why that is. But allowing the variance would not be unusual.
6 It would just simply bring our property in line with what's
7 already growing on the norm of the block.

8 The second factor is, whether the benefits sought by the
9 applicant can be achieved by some method feasible for the
10 applicant to pursue other than an area variance? I think we
11 talked about this that there's no feasible alternative to the
12 variance. Our home was built nearly 20 years ago under the
13 false assurance of proper town inspection and approval by the
14 town. We did not design or construct it, and we had no
15 knowledge of zoning violations at the time of purchase. The
16 suggested solutions removing 97 square feet of finished space;
17 moving the block -- moving the house or the structure back five
18 feet, or demolishing and rebuilding the porch, are structurally
19 impossible, and would be economically devastating to us. Let
20 alone someone who bought the property in good faith.

21 Whether the requested area variance is substantial? While
22 the paper number, you know, the paper says that we're 97 square
23 feet. That we have a five-foot setback violation, and that we
24 have a 10-foot porch, may suggest the variance is substantial,
25 but in the context of my neighbor next door, it's not. Other
26 homes nearby, including the one next door, have been allowed to

1 expand, grow in height, and push closer to lot lines that
2 would've been allowed under older interpretation -- that would
3 not have been allowed under older interpretations of zoning
4 code. So, the town has consistently shown flexibility in
5 supporting the evolving character of the street. In practical
6 effect, the variance is minor compared to what's already been
7 tolerated and approved, making it neither disruptive, nor out of
8 scale.

9 Number 4, whether the proposed variance will have an
10 adverse effect or impact on the physical or environmental
11 conditions in the neighborhood or district? There has been no
12 adverse effect whatsoever on the environment or neighborhood
13 properties. The home has stood for two decades with no
14 complaints, no drainage issues, no structural threats, and no
15 visual obstruction. The property is fully integrated into the
16 neighborhood, and granting the variance does not introduce any
17 new or intensified use. It merely legalizes the existing and
18 long-standing structure.

19 Whether the alleged difficulty was self-created?
20 Obviously, it was not. It was created by a builder and a town
21 inspector acting in concert to fraudulently push a structure
22 through the permitting process. The Certificate of Occupancy
23 was issued by the town, and we relied on that certification when
24 purchasing the home. We could not have known the structure
25 violated code, and we were actively discouraged from hiring an
26 independent inspector because the town had already approved the

1 home.

2 The hardship arose when the town's own building department
3 -- the hardship arose within the town's own building department,
4 and we're now asking the Board to recognize us as innocent
5 homeowners caught in the crossfire of that failure. This home
6 is not just a number. Again, I think we've been in front of you
7 a few times now, but this is where we live. We've lived there
8 for 20 years. We're fully integrated into the neighborhood.
9 We're active members of the neighborhood, and to ask us to pay
10 fines or demolish portions of our home would be like asking a
11 bank -- or would be like a bank asking a customer to return
12 counterfeit bills without refunding their money simply because
13 the fraud happened inside the bank.

14 So, we respectfully request that you ask us -- or you grant
15 us the variant -- the variance we need to legalize our home.
16 We're anxious to resolve the issue. Not having a C of O for our
17 home obviously prevents us from moving, selling, taking out
18 equity lines on the house if we need to, and we're very anxious
19 to just resolve the issue at this point. So, I'm hoping that
20 you're -- the climate of the Board has changed.

21 CHAIRMAN MAMMINA: I think the way for us to handle this
22 because as I said, we're all people, and we want to do the right
23 thing, and I would not want to do a point -- counterpoint on the
24 points because it's not going to achieve anything at all, and
25 our goal here is to do that balancing test that you're asking us
26 to do, and we are empowered to do that balancing test. And the

1 other positive news is that for an area variance, which this is,
2 you don't have to meet all five points. They're -- silly for me
3 to go through it because it's not -- but if this were a use
4 variance you must meet all five points of law. So, you don't
5 have to. So, we have discretion --

6 MS. BELFIORE-SCHRADER: Okay.

7 CHAIRMAN MAMMINA: -- on something like this. This was a
8 long time ago. I remember it very well. As I think I said
9 earlier, I've been here for 33 years, and you know, those were
10 difficult times when there were many, many people who were in
11 that same scenario, you know, where you are, and I guess, the
12 town Board -- I don't know -- I'm not a town Board Member, so I
13 don't want to opine on that as well.

14 So, what I think I would suggest, if the other Board
15 members are in agreement, is that we reserve decision on the
16 application, and that would give us the ability to go through
17 this and look at all of those things in here, so that we can be
18 certain that we are making the correct decision, and not
19 something just, well, this is what the law said. We do have
20 that discretion to do that.

21 MS. BELFIORE-SCHRADER: What is -- do you need more
22 information from us to help you?

23 CHAIRMAN MAMMINA: No, I don't think so. Otherwise, we
24 would continue the application. I think you've presented very
25 well.

26 MEMBER HERNANDEZ: Just one question. I noticed there's a

1 Notice of Disapproval dated October 14, 2025. Did you reapply
2 to the building department? Why was that disapproval notice
3 issued?

4 MS. BELFIORE-SCHRADER: Because we were advised by Glen
5 Norian and Mr. Haramis --

6 MEMBER HERNANDEZ: To represent.

7 MS. BELFIORE-SCHRADER: To represent at that time.

8 CHAIRMAN MAMMINA: Yeah, and they had new plans drawn that
9 are --

10 MEMBER HERNANDEZ: Also dated.

11 CHAIRMAN MAMMINA: -- dated something or other; 27th, 2025,
12 as you had said.

13 MS. BELFIORE-SCHRADER: Yeah.

14 CHAIRMAN MAMMINA: So, maybe, I could put it this way. If
15 you were my sister, I would tell you let us reserve decision on
16 this, and we'll see how we look at this.

17 MS. BELFIORE-SCHRADER: Okay. I mean, that's not a no. Is
18 there a timeline or a time frame that you can give us? I mean,
19 we've sort of like been in this world of the town reserves time,
20 and it's 20 years.

21 MEMBER GOODSELL: Are you thinking about selling the house?

22 MS. BELFIORE-SCHRADER: No.

23 TOWN ATTORNEY ALGIOS: If I could just say one thing? By
24 law, 62 days.

25 MS. BELFIORE-SCHRADER: Okay, thank you.

26 SECRETARY WAGNER: But possibly, maybe less than that. We

1 only make decisions at hearings. The next hearing is January
2 7th. It's not going to be today.

3 MS. BELFIORE-SCHRADER: Will we be notified of that
4 hearing?

5 SECRETARY WAGNER: No, it's not another hearing.

6 TOWN ATTORNEY ALGIOS: It's not another hearing.

7 SECRETARY WAGNER: It's just, when we have a hearing,
8 that's when the Board makes decisions, but it's not another
9 hearing.

10 TOWN ATTORNEY ALGIOS: You don't have to --

11 MS. BELFIORE-SCHRADER: I don't have to -- okay.

12 CHAIRMAN MAMMINA: You don't have to be here, but you can
13 watch it on Zoom. If you would choose to, you may indeed come
14 here, but there's no comment from the audience. We don't like
15 our reserve calendar to get really, really long.

16 MS. BELFIORE-SCHRADER: Okay.

17 CHAIRMAN MAMMINA: So, you're not going to sit, you know,
18 for years. I would -- we have -- laying it right out there. We
19 have 60 days.

20 MS. BELFIORE-SCHRADER: Okay.

21 MEMBER GOODSELL: I would also like to let her know that
22 this isn't going to be a one-word answer.

23 CHAIRMAN MAMMINA: Right.

24 MEMBER GOODSELL: That this is something that we're
25 actually going to write a decision on.

26 MS. BELFIORE-SCHRADER: Okay.

1 MEMBER GOODSELL: It's not like you're going to get a phone
2 call that says yes or no. Sorry. That's just -- I don't think
3 that's going to happen. But we do very carefully consider
4 everything. I'm the newest Board Member. I've only been here
5 for five years. So, there's only been one other case that I'm
6 aware of that I've had to look at. So, they're much more
7 familiar with this than I am.

8 It does seem kind of odd to me that you were able to buy a
9 house and find out a year or two later that there was \$130,000
10 fine being imposed, but I am a real estate attorney, and I know
11 that real estate attorneys rely very heavily on title reports,
12 and the title company comes to the town and does a record report
13 and attaches copies of the documents that have been issued, and
14 so looking at the Certificate of Occupancy that would've been
15 issued when you bought, there's nothing on there that you or
16 your attorney would've been red flagged on to say this isn't a
17 legal house, don't buy it, or this isn't a legal house, you
18 know, inquire further. So, I do understand what you're saying
19 about getting caught in the crosshairs here.

20 MS. BELFIORE-SCHRADER: Well, thank you. I appreciate
21 that.

22 MEMBER GOODSELL: We will be considering this very
23 carefully.

24 MS. BELFIORE-SCHRADER: Okay. And if there's something
25 else you need from us, you'll inform us, right?

26 MEMBER HERNANDEZ: Yes, of course.

1 MS. BELFIORE-SCHRADER: Okay, thank you.

2 SECRETARY WAGNER: So, we reserve it?

3 MEMBER HERNANDEZ: Reserve.

4 CHAIRMAN MAMMINA: Yeah, we'll reserve.

5 SECRETARY WAGNER: Because if you do reserve, you'll be
6 able to visit it.

7 MEMBER HERNANDEZ: Yeah. Just put it all on the record.

8 CHAIRMAN MAMMINA: Right. We're going to take five minutes
9 before the next appeal. If anyone has a phone call to make,
10 want to stretch your legs, need to use the restroom, or
11 whatever.

12 (At this time, there was a pause in the proceeding.)

13

14 SECRETARY WAGNER: Next appeal, Appeal #21766, Stephen Ng;
15 93 Haddon Road, New Hyde Park; Section 8, Block B14, Lot
16 96; Zoned: Residence C.

17 Variance from 70-51.A to construct a second-story addition
18 (rear dormer) that would be too close to the side property line.

19 CHAIRMAN MAMMINA: You've heard Appeal #21766, Stephen Ng.

20 Is there anyone interested in the application other than
21 the applicant?

22 (Whereupon, no response was given.)

23 CHAIRMAN MAMMINA: Seeing no one. Please give your name
24 and address.

25 MS. HASSAN: Good morning. Sorry, good afternoon, Chairman
26 and Members of the Board. Meaghan Hassan from Sahn Ward Braff

1 Coschignano PLLC, 333 Earle Ovington Boulevard, Uniondale, New
2 York 11553. Appearing on behalf of the applicant, Steven Ng.
3 The applicant is the owner of the property located at 93 Haddon
4 Road in New Hyde Park.

5 As a matter of housekeeping, we mailed all affected
6 neighbors pursuant to the town's requirements and submitted an
7 affidavit of mailing to the town. I'm also submitting a packet
8 of photos with a key map as the first page of homes in the
9 immediate vicinity that appear to have second-floor dormers.

10 SECRETARY WAGNER: Was this already submitted?

11 MS. HASSAN: This was not submitted through the online
12 portal.

13 SECRETARY WAGNER: So, was there another exhibit submitted
14 through the portal or not? I just want to know what the label
15 is.

16 MS. HASSAN: No, I don't think there was any other.

17 SECRETARY WAGNER: This would be Exhibit 1 then.

18 MS. HASSAN: The subject premises is located at 93 Haddon
19 Road, New Hyde Park, New York, and is known as Section 8, Block
20 B14, Lot 96 on the Nassau County Land and Tax map. The premises
21 is located in the Residence C zoning district of the town. The
22 premises is improved with a single-family dwelling, and is
23 situated on the western side of Haddon Road, about 36 feet of
24 Evergreen Lane. All around the premises are other detached
25 residential dwellings.

26 The applicant is seeking to perform renovations to the

1 existing home, expanding the second floor of the home by adding
2 a rear dormer. This will allow a full bathroom to be
3 constructed at the top of the stairs and will increase the
4 ceiling height of the existing bedrooms, which currently have a
5 sloped ceiling. The proposed renovation will not expand the
6 footprint of the home. It will merely bump out the existing
7 second floor for a more workable livable space.

8 The applicant purchased the property in 2012. He has a
9 nine-year-old daughter, and would like to increase the ceiling
10 heights and create a full bathroom upstairs for her to have more
11 space and to not have to only have one bathroom on the main
12 floor.

13 A notice of denial was issued for this work as the existing
14 side yard to the south of the home is 3.7 feet, where 5 feet is
15 required, and the home expansion will be in line with that
16 existing nonconforming 3.7-foot side-yard setback. It's clear
17 that the proposed construction does not make the home too big
18 for its lot size, as the side-yard setback variance that already
19 exists is the only required variance. The home complies with
20 all other bulk zoning requirements, such as its height, its lot
21 coverage of 26.1, where 35 percent is permitted, and gross floor
22 area, which is 36.29 percent, where 50 percent is permitted.

23 The applicant was previously granted a variance to maintain
24 an enclosed porch within the required side yard at a BZA meeting
25 held on May 8, 2013. The enclosed porch at the rear of the home
26 was built in line with that existing 3.7-foot side-yard setback

1 of the dwelling.

2 This home and its home next door to the south, where the
3 insufficient side yard exists, were both built in 1943, and
4 neither of those homes have their driveway on that property
5 line. Both of the driveways are on the other side of the home.
6 I've brought paper copies of the 2013 variance for the Board's
7 review. This was also not submitted through the portal.

8 CHAIRMAN MAMMINA: May I ask a question?

9 MS. HASSAN: Sure. This will be Exhibit 2.

10 SECRETARY WAGNER: Thank you.

11 CHAIRMAN MAMMINA: On the survey, which is Christopher
12 Buckley, which is the 2013 survey, I don't see any dimensions.

13 MEMBER GOODSELL: Yeah, I'm just looking at that. That's
14 very odd. He measures the house, but he doesn't measure the
15 property, and he doesn't do the setbacks.

16 CHAIRMAN MAMMINA: Just struck me odd.

17 MS. HASSAN: I did notice that, and the site plan has the
18 3.7 and 3.8-foot setback from that southerly lot line.

19 MEMBER GOODSELL: And this is a 50-by-100 piece of
20 property, is it not or approximately?

21 MS. HASSAN: Approximately, yeah. I think it's 5,009
22 square feet.

23 CHAIRMAN MAMMINA: Slightly different dimension in the
24 front and the back.

25 MEMBER GOODSELL: That's it.

26 MS. HASSAN: Right.

1 CHAIRMAN MAMMINA: On the other side, I was -- when I first
2 looked at it, I'm hoping maybe a little tiny skew, but that's
3 okay.

4 MS. HASSAN: Right. So, I would like to briefly go through
5 the Five Factors contained in town law that support the granting
6 of this variance.

7 First, the proposed renovation will result in a home that
8 is within the character of the existing area. Many of the homes
9 in the area are located close together in this area of New Hyde
10 Park and many of them have second-floor dormers. The next-door
11 neighbor and numerous houses on the block have these second
12 stories, as shown in the packet that was submitted as Exhibit
13 one. The nonconforming side yard is an existing condition that
14 has been existing since 1943 when the house was built, and this
15 will be maintained with just the second-floor sloped ceiling
16 being bumped up.

17 We submit that this variance is not substantial numerically
18 or given the pre-existing nature of this setback since the side
19 yard is 3.7 feet, where 5 feet is required. The applicant is
20 requesting a variance in the amount of 1.3 feet, and this
21 1.3-foot variance -- the necessity for this variance has existed
22 for over 75 years.

23 Third, there is no reasonable alternative for Mr. Ng to
24 pursue to achieve the benefit sought without seeking this
25 variance. The applicant wants to add additional living space by
26 reducing the slope ceilings and getting a higher ceiling height

1 in the two existing bedrooms upstairs, and enjoy a full bathroom
2 on the second floor. Right now, at the top of the stairs,
3 there's just a wall, so that's where the bathroom will hope to
4 go if he can create this dormer on the second floor.

5 The lot size and the location of the home itself is the
6 reason that the 3.7-foot setback exists. And for this expansion
7 to comply with the code, the dormer would have to end 5 feet
8 from that side yard line, which would look very unbalanced to
9 the point of it being unreasonable. As such, the only way to
10 increase these ceiling heights and create more livable space is
11 to allow the dormer to be 3.7 feet from that southerly side yard
12 line.

13 Fourth, there will be no physical or environmental effect
14 on the community through the granting of this variance as the
15 side-yard setback of the premises is not being disturbed or
16 changing. The dormer will be in the rear of the home and will
17 not be visible from the street. And as discussed earlier, since
18 the home complies with all other bulk zoning requirements, it's
19 of appropriate size for this lot and of the area.

20 Last, I would submit that the hardship is partially
21 self-created since the construction is being proposed here;
22 however, the 3.7-foot side-yard setback has been existing since
23 1943, so it's impossible to increase those ceiling heights in
24 the bedrooms without maintaining that 3.7-foot setback and
25 getting the variance.

26 Finally, we are aware of a letter of objection that was

1 submitted by Steve Lava to the Board on behalf of his mother,
2 Pamela Valenzano, neighboring owner of 7 Blossom Lane. We would
3 like to respond to that letter on the record.

4 Just for starters, I'd like to point out that the letter
5 reflects that the side yard requirement is 8 feet; however, as
6 the code requires and the notice of denial and as we've been
7 discussing, the required setback is actually 5 feet. Just to
8 clarify that. We've also printed an aerial map of the Nassau
9 County Tax Map showing where 7 Blossom Lane is located in
10 comparison with the subject premises with the subject premises
11 highlighted in yellow and the objecting neighbor's home is
12 outlined -- or property is outlined in blue.

13 MEMBER GOODSSELL: Do you have that with you?

14 MS. HASSAN: I do.

15 SECRETARY WAGNER: This would be Exhibit 3.

16 MS. HASSAN: Thank you. As you can see in this exhibit,
17 once it gets passed around, the property at 7 Blossom Lane is
18 located to the rear of the subject premises and shares the
19 property line for what appears to be less than 10 feet using the
20 measurement tool on Google Maps. Mr. Ng's home is located 39
21 feet from its rear property line, and the existing rear-yard
22 setback will not be disturbed by this dormer. It's over double
23 the required 15-foot rear-yard setback, which would impact 7
24 Blossom Lane's property.

25 I performed a site visit yesterday, and took a look at Mr.
26 Ng's home from Blossom Lane, and a photo taken from Blossom Lane

1 is included as the second page of that exhibit I just passed up.
2 From that photo, you'll see a yellow house that's visible from
3 Blossom Lane. That house is addressed at 6 Evergreen Lane.
4 That house is the next-door neighbor of Mr. Ng, but their house
5 faces Evergreen, so it's perpendicular, and it's a wider house.
6 So, that house is visible from the street over. Mr. Ng's house
7 is barely visible from Blossom Lane.

8 CHAIRMAN MAMMINA: Can you give us a second?

9 MS. HASSAN: Yeah, of course.

10 CHAIRMAN MAMMINA: Just to take a look at these. Thank
11 you.

12 MS. HASSAN: No problem.

13 MEMBER HERNANDEZ: You said 7 Blossom is the neighbor?

14 MS. HASSAN: Yes.

15 CHAIRMAN MAMMINA: That's block one of six. As I look at
16 what's here because you have that highlighted.

17 MS. HASSAN: Yes, blue. The blue outline is 7 Blossom
18 Lane.

19 MEMBER HERNANDEZ: So, 7 Blossom Lane is the corner house
20 on Blossom and Haddon.

21 MS. HASSAN: It's not the corner house. It's the one --
22 (indicating)

23 MEMBER HERNANDEZ: One over? One in?

24 MS. HASSAN: One in, yes. Thanks.

25 MEMBER HERNANDEZ: Thank you.

26 MS. HASSAN: Okay, so as you might be able to tell from the

1 photo, the rear yard of Mr. Ng's house is quite large. It's
2 almost 40 feet, and that's not being disturbed at all. The
3 sloped ceiling in the back is what's being raised to create a
4 higher ceiling height and be able to construct that full
5 bathroom on the second floor. Because of that existing
6 condition, we submit that this construction or this dormer will
7 have no impact to Ms. Valenzano's property; will not have a
8 negative impact on her light, air, or open space. It won't have
9 an impact on the quiet enjoyment of her property, and it won't
10 have a visual impact because her view visually is of 6 Evergreen
11 Lane. There's a lot of open space above the subject premises.

12 Based on the balancing test, in New York State Town Law,
13 it's respectfully submitted that the benefit of granting this
14 variance to Mr. Ng strongly outweighs the detriment to the
15 health, safety, and welfare of the surrounding community,
16 justifying its granting.

17 Thank you for your time, and I'm very happy to take any
18 questions the Board may have.

19 CHAIRMAN MAMMINA: The only question that I -- that is,
20 just coming back to the fact that the survey -- and I know you
21 can't possibly answer this, or I would assume that you can't,
22 that it has no dimension on it at all, the one from 2011, and
23 yet the architect's drawing, which is a site plan, and I know
24 for myself, if I'm creating a site plan, I'm taking the
25 information off of the survey, and I'm carrying it over, and the
26 dimensions are done, as well as the fact that it's point one

1 feet closer, still in the -- in the front of the house and the
2 back. So, it -- it just baffles me. That's all. But I do
3 agree that for the neighbor that is on the -- around the corner,
4 there's -- they're not adjacent to the --

5 MEMBER DONATELLI: Could I -- sorry.

6 CHAIRMAN MAMMINA: No, please.

7 MEMBER DONATELLI: So, I'd like to get to another point.

8 As I look at the plans, I see that it's an extension off the
9 rear of the house on the second floor. Seven, it's a flip-up.

10 MEMBER GOODSELL: Yeah, it's a flip-up.

11 MEMBER DONATELLI: And it's approximately 7 feet by 36
12 feet. On the new portion that is being contemplated by the
13 application, will there be any windows on either side of that
14 new structure?

15 MS. HASSAN: I believe there's windows shown.

16 MEMBER DONATELLI: On the sides, not on the rear.

17 MEMBER GOODSELL: In the back. In the rear. It shows in
18 the rear.

19 MEMBER DONATELLI: On the side.

20 MS. HASSAN: Oh, on the sides. I am not sure.

21 MEMBER DONATELLI: Okay. As I look at the application, I
22 don't see any windows. I see existing windows on the side,
23 which is the existing structure, and I see new windows being
24 installed in the rear, but I don't see any windows on the side
25 of the house. And of course, this is an application for a
26 variance for a side-yard setback. I don't see any windows in

1 the new structure on the side of the house. So, I would just
2 like to point that out because I know as I read this application
3 -- I'm sorry, the opposition to the application. On the very
4 last page, I believe, the last paragraph, talks about if the
5 application is approved that the -- the letter writer asks for
6 mitigations, such as no windows or observation points facing the
7 adjoining property. So, I would point out that the plans don't
8 show any additional windows in the side yards, which of course
9 is the subject of this variance.

10 MEMBER HERNANDEZ: Right.

11 MEMBER GOODSELL: Well, this being the neighborhood that I
12 grew up in, and I bought a house and lived for 42 years. I can
13 tell you that I did pretty much foot-for-foot the same dormer on
14 my house because I needed more room, and I was able to put two
15 bedrooms upstairs, and we didn't have any windows on either
16 side, and we just had windows in the back, and the lovely view
17 is the view of a road back there, but it does increase the
18 footage. This application does not go over GFA. There are no
19 sky-plane issues, and you're stuck with the setbacks that you're
20 stuck with. I agree with the Chairman, it was kind of odd that
21 there were no dimensions on the survey, but it looks like it's,
22 as you said, 3.7 feet on one side, and the driveway was on the
23 other side. You're stuck with what you've got.

24 MS. HASSAN: Right.

25 MEMBER GOODSELL: So, in my opinion, there is nothing objectionable about this application. I have
26 no objection to the application.

1 And I recognize that sometimes neighbors do not like change
2 and do not like new things. I don't think one objection would
3 have the right to halt this application. I note the objection.
4 I note the objection from a somewhat adjoining neighbor, but I
5 agree with our discussion that I think the impact of this dormer
6 is minimal on the objecting neighbor, and therefore, I make a
7 motion that we grant the application.

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

9 MEMBER HERNANDEZ: (Raises hand.)

10 MEMBER DONATELLI: Second. Oh, no, he had his hands up.

11 SECRETARY WAGNER: Who seconded?

12 MEMBER HERNANDEZ: I do.

13 CHAIRMAN MAMMINA: Please poll the Board.

14 SECRETARY WAGNER: Member Goodsell?

15 MEMBER GOODSSELL: Aye.

16 SECRETARY WAGNER: Member Donatelli?

17 MEMBER DONATELLI: Aye.

18 SECRETARY WAGNER: Member Hernandez?

19 MEMBER HERNANDEZ: Aye.

20 SECRETARY WAGNER: Chairman Mammina?

21 CHAIRMAN MAMMINA: Aye. I will also say that the layout of
22 this is typical of the Levitt houses. It's not a Levitt house,
23 and I know from friends who grew up in Levitt houses having one
24 bathroom was kind of horrific.

25 MS. HASSAN: Right.

1 MEMBER GOODSELL: Oh, in the 1960s, you came up to the top,
2 and there was a doghouse dormer that enclosed a bathroom. That
3 was how you got your second bathroom. Five by eight, and it was
4 a doghouse dormer. Then, you did what I did. You did the
5 slight dormer with the sloped roof that added space. Today, you
6 just take the house down and build a new house.

7 MEMBER HERNANDEZ: You put a whole second floor on top.

8 MEMBER GOODSELL: Yeah, you put a whole second floor on,
9 and having done virtually the same dormer, I can say it makes a
10 great deal of difference in living space, and tell your clients
11 they will really feel a difference.

12 MS. HASSAN: Great.

13 CHAIRMAN MAMMINA: Application is granted.

14 MS. HASSAN: Thank you so much, and Happy Holidays,
15 everybody.

16 CHAIRMAN MAMMINA: Thank you.

17 SECRETARY WAGNER: Meaghan, I was just pointing out to the
18 Board that the survey submitted to the building department did
19 have those setbacks on it. I don't know why they gave us a
20 different one.

21 MS. HASSAN: Oh, okay. That's good to know.

22 MEMBER GOODSELL: Yeah, that's kind of odd.

23

24

25 SECRETARY WAGNER: Appeal #21767, Henry and Sasha Vera Fok;
26 34 Willow Road, New Hyde Park; Section 8, Block 211-04, Lot 116;

1 Zoned: Residence C.

2 Variances from 70-100.2.A(4)(b) and 70-101.B to legalize
3 fencing that is too tall and to legalize a porch/raised terrace
4 that is too close to the street.

5 CHAIRMAN MAMMINA: You heard Appeal #21767, Henry and Sasha
6 Vera Fok. Is there anyone in the room interested in the
7 application other than the applicant?

8 (Whereupon, no response given.)

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

11 MR. CACHIA: Good afternoon, Mr. Chairman, Members of the
12 Board. Salvatore Cachia, Permits-R-Us, 338 Jericho Turnpike,
13 Syosset, New York 11791. I'm here on behalf of Mr. and Mrs.
14 Fok. As stated, looking to legalize a 6-foot fence on a side
15 yard where a 5-foot fence is required, and a front open terrace
16 that encroaches on the front-yard setback by 1.46 feet.

17 Just want to point out the factors that this will not be an
18 undesirable change to the character of the neighborhood. Most
19 of the homes in this neighborhood have similar low landings in
20 the front of the homes and flower beds at the same height of the
21 property.

22 CHAIRMAN MAMMINA: Slow down a little bit. I'm reading,
23 and she's typing.

24 MR. CACHIA: My apologies.

25 MEMBER GOODSELL: We can listen faster than she can type.

26 MR. CACHIA: Yes, 100 percent.

1 The requested variance that my clients are seeking is
2 minimal. This will not have an adverse effect on the
3 environment, or an impact on the neighborhood, and most
4 importantly, Number 5, which my clients purchased the home
5 almost two years ago with the open terrace and fence issue.

6 I'd be happy to take any questions that the Board may have.

7 CHAIRMAN MAMMINA: One second.

8 MR. CACHIA: Yeah.

9 MEMBER HERNANDEZ: It's six in the back, and six on the
10 right side, and four returns to the house?

11 MR. CACHIA: Correct. So, the variance is --

12 MEMBER HERNANDEZ: You're not showing one on the left side
13 of the house.

14 MR. CACHIA: Correct.

15 MEMBER HERNANDEZ: There is no fence there.

16 MR. CACHIA: Right.

17 MEMBER HERNANDEZ: Well, the neighbor has.

18 MR. CACHIA: The neighbor has a fence, right. And from my
19 understanding, the rule of the fence is changing in the upcoming
20 year, which is not a variance anymore, but we're here today
21 because it is.

22 MEMBER HERNANDEZ: Exactly.

23 MR. CACHIA: Yeah, I was aware of the change, but it's
24 already noted, so.

25 MEMBER DONATELLI: So, my understanding is that the raised
26 terrace is approximately 1.5 feet off the ground; is that

1 correct?

2 MR. CACHIA: That's correct.

3 MEMBER DONATELLI: Is there vegetation in front of the
4 terrace.

5 MR. CACHIA: There is some vegetation, I believe, in front
6 of the terrace. Obviously, there's grass as you go towards the
7 front, and it's similar --

8 MEMBER DONATELLI: Like bushes or something?

9 MR. CACHIA: Low bushes, yes. Some flowers, yeah. And
10 it's similar to all of the other homes next door, including they
11 have almost identical --

12 MEMBER GOODSELL: It is similar to the other homes.

13 MR. CACHIA: Yeah.

14 MEMBER GOODSELL: Was the home built this way? I think I
15 have to look at the tax card on this.

16 MR. CACHIA: From my understanding, the contractor that did
17 the home next door and built that, did the same thing to my
18 client's home. Obviously, my client bought the house this way,
19 so she had no idea.

20 MEMBER GOODSELL: No, I don't know, obviously, they bought
21 the house two years ago. We don't know how old this is.

22 MR. CACHIA: Yes, I don't know how old it is.

23 MEMBER GOODSELL: Okay. But it didn't appear on the
24 original tax card, but it looks so similar to me to the other
25 low terraces. It's not even -- there's not even room enough for
26 a chair.

1 MR. CACHIA: Yes, correct.

2 MEMBER GOODSELL: I am looking at it as more of an
3 architectural feature than anything else. Maybe. Maybe.

4 MEMBER HERNANDEZ: It's more of a landing when you come out
5 of the house.

6 MEMBER GOODSELL: Yeah, it's more of a landing.

7 MR. CACHIA: Correct, yes, exactly.

8 MEMBER GOODSELL: You might have room --

9 MEMBER HERNANDEZ: It's landing after the three steps or
10 the two steps.

11 MR. CACHIA: Right.

12 CHAIRMAN MAMMINA: It gives you the ability to walk up
13 those three steps --

14 MEMBER HERNANDEZ: Put your bags down.

15 CHAIRMAN MAMMINA: -- from the garage in order to come into
16 the house.

17 MEMBER GOODSELL: I drove this neighborhood. I drove right
18 past this house because I did not -- I was expecting something
19 much higher, and I was expecting something much more.

20 MR. CACHIA: Unless you're looking for it, you won't find
21 it.

22 MEMBER GOODSELL: I did not. I had to go back.

23 MEMBER HERNANDEZ: In this New Hyde Park area, there are
24 many of those that were all built that way. Some of them were a
25 little older.

26 MEMBER GOODSELL: Which is why I thought perhaps this had

1 been built that way, but it was not. It's not on the tax card.

2 MR. CACHIA: No.

3 CHAIRMAN MAMMINA: It's a vintage. It's a vintage of the
4 way the houses were constructed.

5 MEMBER GOODSSELL: So, Mr. Chairman, I actually -- since
6 this is my area, I have no objection to this terrace, and since
7 we are going to be, if we have not already changed the fence
8 law, there would be no problem granting something, which would
9 be granted as-of-right.

10 SECRETARY WAGNER: We have.

11 MEMBER GOODSSELL: We have changed it.

12 MEMBER HERNANDEZ: It's become effective?

13 MEMBER GOODSSELL: And it has become effective.

14 SECRETARY WAGNER: So, it would be moved.

15 MEMBER GOODSSELL: I'll make a motion that we grant the
16 application for the raised terrace. The fence issue being
17 rendered moved by the Town Board.

18 MEMBER DONATELLI: And I will second.

19 CHAIRMAN MAMMINA: So, we have a motion by Member Goodsell.
20 Seconded by Member Donatelli. Please poll the Board.

21 SECRETARY WAGNER: Member Hernandez?

22 MEMBER HERNANDEZ: Aye.

23 SECRETARY WAGNER: Member Donatelli?

24 MEMBER DONATELLI: Aye.

25 SECRETARY WAGNER: Member Goodsell?

26 MEMBER GOODSSELL: Aye.

1 SECRETARY WAGNER: Chairman Mammina?

2 CHAIRMAN MAMMINA: Aye. The application is granted.

3 MR. CACHIA: Thank you very much. Merry Christmas, Happy
4 Holidays, Happy New Year.

5 MEMBER HERNANDEZ: Thank you. Same to you.

6 MEMBER GOODSELL: Thank you.

7 CHAIRMAN MAMMINA: Thank you.

8

9

10 C O M M E R C I A L C A L E N D A R

11 SECRETARY WAGNER: Appeal #21717.A, FES/Northman Realty
12 LLC; 1410-1420 Northern Boulevard, Manhasset; Section 3, Block
13 E, Lot 490; Zoned: Business A.

14 Conditional Use 70-126(K) and Variances 70-103(A)(1),
15 70-103(F)(1), & 70-203.1(C) to construct interior alterations to
16 an existing commercial space for use as a day care with not
17 enough off-street parking, not enough loading zones, and not
18 enough queuing spaces for drop off and pickup.

19 CHAIRMAN MAMMINA: You heard Appeal #21717.A, FES/Northman
20 Realty LLC. Is there anyone in the room interested in the
21 application other than the applicant?

22 (Whereupon, no response was given.)

23 CHAIRMAN MAMMINA: Seeing no one, and we'll give you a
24 moment to give your name and address.

25 MEMBER HERNANDEZ: To set up.

26 MEMBER GOODSELL: To set up, yes.

1 MS. DEEGAN DICKSON: Good afternoon.

2 CHAIRMAN MAMMINA: Good afternoon. Please give your name
3 and address.

4 MS. DEEGAN DICKSON: Kathleen Deegan Dickson. Partner in
5 the law firm of Forchelli Deegan Terrana LLP, 333 Earle Ovington
6 Boulevard, Uniondale, New York. Here on behalf of the applicant
7 FES/Northman Realty LLC and Manhasset Kids LLC, doing business
8 as the Goddard School this afternoon for a property at 1410
9 Northern Boulevard in Manhasset.

10 The proposal, this may sound familiar to you. We were here
11 in July, and we had adjourned the hearing to get some additional
12 information together for the Board. At that time, we were
13 seeking a use variance or a request for a determination that a
14 use variance was not necessary because we had believed that the
15 prior use variance granted in 1995 covered this use. It became
16 clear from our meeting with this Board last time that the sense
17 was that use variance in 1995, did not cover the proposed use,
18 which is a daycare to go into the portion of the retail -- to
19 the commercial space, which is currently occupied as Staples.
20 They're going to be moving out at the end of February.

21 So, the feedback we got from the Board was that this may be
22 more appropriately before the Town Board for a change of zone.
23 As you recall, the property is split -- was split zoned with the
24 building in the parking district, and the parking in the
25 Business A district, and while it was a strange anomaly going
26 back 30 years, it was something that just was.

1 So, we applied to the Town Board. We received a change of
2 zone after a public hearing on October 28, 2025, and now the
3 entire property is located in the Business A zone; makes this
4 application a lot cleaner, a lot more straightforward. We no
5 longer require use variance. Also, it eliminated a couple of
6 other variances for the dumpster and for fencing that were
7 rendered moot because those were not items that were permitted
8 in a parking district, but they are in a Business A district.
9 So, we still require variances for parking and for queuing for
10 the daycare. Now, because it's in the Business A district,
11 there's a conditional use permit that we're seeking from this
12 Board today.

13 I have the whole team back here again. We're going to --
14 I'd like to incorporate the record from our July hearing, so
15 that we don't have to repeat everything that you may already
16 remember. There were exhibits that were submitted at that time.
17 There was a lengthy testimony. I think it was -- we had an hour
18 and a half hearing. So, we'll try to focus on just the issues
19 that I think were sticking points at our last appearance before
20 this Board.

21 CHAIRMAN MAMMINA: I agree, yes.

22 MS. DEEGAN DICKSON: And certainly, if there's anything
23 that you would like to hear again, or that you think that we're
24 not clear on, we have, as I said, we have the whole team here,
25 so we can go through all of it.

26 Before I get into the technical aspects of the application,

1 I want to highlight some of the improvements that we've made to
2 the plan that I think make this a better plan. That I think
3 addresses a lot of the concerns that were raised by the Board
4 and staff at the last meeting.

5 Immediately after the meeting, we got together to
6 brainstorm some of the solutions here. Everybody rewatched the
7 live stream of the meeting, so that we weren't missing anything.
8 We wanted to make sure that we did not leave a stone unturned.

9 CHAIRMAN MAMMINA: How did we look?

10 MS. DEEGAN DICKSON: Wonderful. Although I don't like the
11 way I look from behind, I have to say.

12 CHAIRMAN MAMMINA: Was my hair okay?

13 MS. DEEGAN DICKSON: First and foremost, we went to the
14 Town Board to obtain the change of zone. So, that was done.
15 And as you'll hear in more detail from Wayne Mueller of R&M
16 Engineering, our traffic engineer, that we were -- in response
17 to the concerns about illegal left-hand turns out of the
18 northerly entrance -- or entrance and exit to the property. And
19 also, about some of the backup stacking at the light at Northern
20 Boulevard. We had several meetings with Nassau County
21 Department of Public Works to see if we could make some
22 improvements both on site and off site that would alleviate a
23 lot of these concerns. So, the primary changes in that respect,
24 you'll see on the board to the right there, this is the
25 northerly entrance onto Shelter Rock Road. It's an unsignalized
26 intersection there. Right now, it's right turn in, right turn

1 out. Much to my surprise, it was revealed that people make an
2 illegal left-hand turn out of there to get onto Shelter.

3 MEMBER GOODSELL: I am shocked. Shocked. Not just.

4 MS. DEEGAN DICKSON: Even when we met with DPW, they said,
5 Really, people do that? But apparently, they do, and we had
6 some counts to show that it is a real problem there.

7 So, we went back to ownership, and said look, is there --
8 can we make these improvements? If DPW says it's okay because
9 the primary improvement is in the County right-of-way, and they
10 made some exceptions to their general rules about, you know,
11 right now, they're not doing raised curbs. They don't like
12 things that are additional maintenance, but they agreed to allow
13 us to raise the curb in the triangle island, and to angle that
14 exit much more substantially so that it really would be a
15 difficult maneuver, or I'd say an even more difficult maneuver
16 to make a left-hand turn out of there. In addition to that,
17 we're going to provide signage both there, but also, before you
18 approach that part of the site, so that people know that if they
19 do want to head north on Shelter Rock Road, that they have to go
20 around the building and exit out at the signalized intersection
21 down at the entrance to the shopping center.

22 MEMBER GOODSELL: It's going to take two drop-offs for the
23 mothers and fathers to realize that that's a lot better than
24 trying to make an illegal left turn.

25 MS. DEEGAN DICKSON: Absolutely. So, the other thing that
26 we did because, you know, I understand that intersection at

1 Northern Boulevard and Shelter Rock Road can be challenging,
2 especially in the morning commuting hour, we brainstormed. I
3 say, we, it was mostly Wayne and his team and the traffic
4 engineers at Nassau County DPW, brainstormed ideas on what could
5 be done on Shelter Rock Road. We can't do anything on Northern
6 Boulevard. That's a state highway. I think anybody who's tried
7 to deal with New York State on this will realize that the State
8 does what the State does. But Nassau County was receptive, and
9 one of the things that they will let us do, let us pay for,
10 would be extending the left-hand turning lane on Shelter Rock
11 Road before you get to the intersection to turn into the
12 shopping center on the south side. So, right now, there is a
13 left-hand turning lane that feeds this intersection. It starts
14 about here, and what it does -- actually, feeds this
15 intersection. But by taking people out of the through traffic
16 queue earlier, anybody who's going to be making a left-hand turn
17 into the site, it will allow this traffic to continue flowing,
18 and allow -- it'll stop the bottleneck of the people who were --
19 who were maybe queuing in here and blocking the through traffic.
20 So, that was determined to be a feasible alternative. We're
21 extending it by, I believe, about 175 feet, more or less. Wayne
22 can answer any questions regarding that. But that was -- seemed
23 to be a good solution to pulling some of the traffic off of the
24 road, before it gets to that intersection, so that it doesn't
25 add to any of the congestion there. The thinking is that
26 anybody who's coming from the south if they're coming to our

1 facility, and they're not already there going through to go to
2 the train station, which they'd be there anyway, they'll pull
3 in, they'll make a left-hand turn. They're never going to reach
4 that intersection at Northern Boulevard. They'll drop off, and
5 then they'll come back out, and they'll head back south, so
6 it'll eliminate any interaction with that intersection.

7 So, those are the major changes. There's also going to be
8 additional signage. DPW is allowing us to again, at landlord's
9 cost, replace the sign across Shelter Rock Road. Right now,
10 there's, I think a 2-by-2 sign that says, No Left-Hand Turn.
11 It's going to be a big three -- you know, 36-inch-by-36-inch
12 sign to make it more visible. And then, as I mentioned,
13 there'll be signage within the site that will make sure that
14 nobody is going to be making foolish maneuvers out of the site.

15 MEMBER HERNANDEZ: The biggest problem is the lack of
16 knowledge of the drivers because unfortunately, by the time you
17 get to see all of those signs, you're past the intersection
18 already. In order to enter this site, northbound on Shelter
19 Rock Road, you have to enter into the adjoining shopping center
20 parking lot.

21 MS. DEEGAN DICKSON: Right.

22 MEMBER HERNANDEZ: Where there is no signage for Santander
23 or for this new business or for Staples or anybody else. So,
24 you really have to know that you got to enter through that
25 shopping center and come around through the shared entrance in
26 the back. Once you do it once, you know it's there, and you'll

1 make it, but it's that first time that people sort of make that,
2 and I have seen them make left turns from Shelter Rock Road onto
3 that angled entrance anyway.

4 MS. DEEGAN DICKSON: Oh, gosh.

5 MEMBER HERNANDEZ: Yes. So, it's not just the exit. It's
6 also the entrance.

7 MS. DEEGAN DICKSON: All right. I'm not sure what we do
8 about people like that. I mean --

9 MEMBER HERNANDEZ: You can't do anything about that.

10 MS. DEEGAN DICKSON: No, but you know, the benefit to
11 having a daycare center here as opposed to a retail, where
12 people just sort of intermittently go, you're going to have the
13 same people coming here all the time. They're going to know the
14 route, and they're, you know -- if anybody does anything silly,
15 we have Laura Kulkarni, who's the proprietor, and her people
16 will be able to warn people if we get word that during drop off
17 people are doing stupid things, we can say look, you know, you
18 can't do this, and it'll be education, and -- but I think that
19 is one of the advantages to having this same audience on a
20 regular basis.

21 MEMBER HERNANDEZ: Yes, absolutely.

22 MS. DEEGAN DICKSON: We do still require area variances.
23 The use variance is now off the table, but we do have a
24 requirement for off-street parking for the proposed unit mix,
25 and for insufficient drop-off spaces for the proposed daycare
26 use. We're proposing 79 parking spaces, which is what exists on

1 the site, where 93 parking spaces are required. So, that's a
2 deficiency of 14 spaces. The daycare center also under the --

3 MEMBER HERNANDEZ: Is it 93 for this facility only or for
4 the proposed reconfiguration.

5 MS. DEEGAN DICKSON: Yes, for the bank to remain. Then an
6 unnamed, unidentified retail. Also, a med spa, which gets
7 parked as a medical office use. So, if that was retail, then
8 that actually drops our parking requirement by probably six cars
9 or so.

10 MEMBER HERNANDEZ: So, it's at its max.

11 MS. DEEGAN DICKSON: I'm sorry?

12 MEMBER HERNANDEZ: At 93, is at its max.

13 MS. DEEGAN DICKSON: Yes, yes. We did that because the --
14 this is a unique building, and there's not a lot of tenants that
15 are readily jumping in there. We wanted to make sure that we
16 gave the landlord as expansive an opportunity to lease this
17 space, and a lot of their interest has come from medical tenants
18 and med spa tenants, I would say, which I personally would
19 consider more of a personal service shop, but the building
20 department views it because there's a nurse or a doctor on site
21 doing injections or whatever that should be viewed as a medical
22 office, so.

23 With our new application also - oh, let me -- sorry. For
24 the drop-off spaces under the code, based on the number of
25 students, the code requires 18 drop-off spaces, and we're
26 proposing ten. And just to refresh your recollection, the ten

1 parking spaces that will be marked and designated as drop off
2 only are the four right here, closest to the building, adjacent
3 to the two handicapped spaces, and then six that are one row
4 over, stacked this way.

5 And I think you may recall from our last appearance before
6 this Board that this is not like a -- it's not like a school
7 where the buses are coming and dropping people off, and the kids
8 are just sort of going. The kids who come here are infants,
9 toddlers, and preschoolers, so nobody's getting dropped off at
10 the curb and going in by themselves. They're all being walked
11 in by their parent or whoever's dropping them off, and then
12 bringing them physically into the building and entrusting them
13 to the care of Goddard Schools. It's different from some other
14 daycares that may have after-school activities where, you know,
15 kids from second, third, and fourth grade are coming in. This
16 is a completely different animal from that.

17 The other thing that we were cited for in this application
18 that we weren't last time, and I'm not quite sure why, but it
19 was for an insufficient loading zone. I think, still, the
20 building department may have made an error in what they
21 determined to be our need, and also, didn't recognize the fact
22 that we actually do have one loading zone on site, and it's in
23 this area here, where the Staples loading docks were, there's a
24 space that's 15 feet by 33 feet wide that will accommodate a
25 drop off, a UPS truck, a Fresh Direct; things like that. Things
26 of that nature. And then they can walk, step right up here, and

1 service the bank and the other tenants there.

2 MEMBER HERNANDEZ: And that's technically on the adjacent
3 property.

4 MS. DEEGAN DICKSON: Partially, yes.

5 MEMBER HERNANDEZ: You don't see it on your plans because
6 the actual stop for the truck is on the road adjacent to your --

7 MS. DEEGAN DICKSON: We do have it noted on the survey that
8 there is an easement with the adjacent property owner. You'll
9 see it on the survey that it's not only easement for that space,
10 but it's also cross-access easement to allow the transit from --
11 actually --

12 MEMBER HERNANDEZ: The exit.

13 MS. DEEGAN DICKSON: -- for anybody to travel through their
14 site to get to our site.

15 The current retail space that's occupied by Staples right
16 now is 19,724 square feet. The intention is to split this
17 space. We're keeping the Santander Bank as it is. There will
18 be three new tenant spaces. The only one that's fully
19 identified right now is the daycare center, the Goddard School,
20 which is going to be 13,978 square feet, so just shy of 14,000
21 square feet. Then a 3,030 square foot tenant space -- a retail
22 tenant space, and then what we identified as a med spa space.
23 You'll see how they're configured with the, you know, the kind
24 of lag, so that there's service corridors that get people out to
25 the back. That'll be 2,719 square feet.

26 So, the conditional -- the daycare use is a conditional use

1 in the Business A district. As you are aware, you hear it all
2 the time, that a conditional use is akin to a permitted use as
3 long as certain criteria are met, and the code talks about what
4 that criteria is. The Town Code 70-203.1 says that a child care
5 facility shall conform to New York State Office of Children and
6 Family Services licensing requirements, which this will do.
7 Provide a fenced-in play area, not within any required front-
8 yard setbacks. As we described in our last appearance, the
9 primary play area is going to be on the roof area, and then
10 there will also be a play area that will be around the
11 perimeter, so that classrooms have direct access to outdoors.
12 It'll be fenced, and it's a little bit raised up, so it's not
13 near the parking. It's up higher above the parking. So, we
14 comply with that. And that a drop-off area in front of the main
15 entrance is provided, and we are also providing that with the
16 entrance being here, and our drop-off spaces being right here in
17 front of it. So, as opposed to having it off to the side or
18 having somewhere else on the site, it's -- so, we comply with
19 that.

20 The use also will conform to the general character of the
21 neighborhood. We have with us today Michael Lynch from Lynch
22 Appraisals, who is a real estate expert, who will talk about
23 character of the neighborhood, and how a daycare center really
24 is a perfect use for this area.

25 There's also another daycare center in the neighborhood
26 directly across the street. The KinderCare is there. That was

1 approved by this Board in 2011. That was also a conditional use
2 permit, and this Board found that the public morals, health,
3 safety and general welfare would be safeguarded and not
4 negatively affected by having a daycare center in this area.
5 So, this daycare is no use -- no different from that.

6 I mentioned at our last meeting that we also had a meeting
7 with the Nassau County Planning Commission. They had put
8 together a white paper at one point because there were certain
9 areas where daycare centers were being located that they didn't
10 think were great locations. Most of them in industrial areas,
11 and so they -- we wanted to -- we knew that they had to make a
12 recommendation based on their general municipal law referral
13 jurisdiction. We met with them. We showed them where the play
14 areas were going to be. Where the location is, and they found
15 that it fit very well with their guidelines for safety and
16 location. They like it being -- them being close to areas of
17 commerce, where downtown areas or public thoroughfares, so that
18 people aren't winding through neighborhoods to end up getting
19 their kids to daycare centers. Anybody who has young children,
20 which I no longer do, but they'll tell you there is a real need
21 for daycare in Nassau County in general. Certainly, in northern
22 Nassau County and in the Town of North Hempstead. There's very
23 few facilities available. So, there's no question that the
24 demand for this is going to be very high and that, you know,
25 people will be very happy to have this community benefit in
26 their neighborhood.

1 We talked about the parking. So, we do have a 14-parking
2 stall shortage. The parking in this lot has existed in this
3 configuration since the building was built. There are cross-
4 access easements with the owner of the adjacent property from
5 time to time over the years, one or the other property owner has
6 determined that it's necessary to put somebody there to kind of
7 police who's parking where. That's something that will continue
8 on an as-needed basis, but the two landlords have a good working
9 relationship with one another. I think they have a pretty good
10 understanding. There will always be a time when somebody is
11 going to the bank and then running over to DSW to buy a pair of
12 shoes. They may leave their car there. There's tolerances like
13 that, but for the most part, if somebody is coming to this
14 shopping center, they will park here, and somebody is going to
15 King Kullen or going to the other stores in the adjacent
16 shopping center will park closer to them. I think the only
17 place that really where we might run into trouble would be these
18 18 spaces along the neighboring building, which originally was
19 controlled by this site through a long-term ground lease. Since
20 then, it's been purchased in fee from the owner of the adjacent
21 property, and this is where our teacher parking is going to be,
22 so it'll be occupied when we need it. It'll be already occupied
23 by our people. Probably before anybody gets to DSW or to any of
24 the retail, the Nordstrom Rack. By the time they open, our
25 teachers will be in place, and so we shouldn't have any conflict
26 there.

1 The other thing that's unique about -- I don't know about
2 all daycares, but certainly this daycare, that's different from
3 a school, is that there's not a single pickup and drop-off time.
4 It's basically staggered over the course of three hours in the
5 morning between 7:00 A.M. and 10:00 A.M., as parents are making
6 their way either to work or depending on where they work or make
7 it to the train or --

8 MEMBER GOODSELL: The Santander does not open till 9:00 in
9 the morning.

10 MS. DEEGAN DICKSON: Right.

11 MEMBER GOODSELL: So, there's a couple of hours there where
12 those parking spaces will be available, and if those others are
13 retail, then they're not going to open before 9:00 or possibly
14 10:00.

15 MS. DEEGAN DICKSON: Right. 10:00 is typically, I think,
16 for maybe 9:30 or 10:00, but you're absolutely right about that.

17 MEMBER GOODSELL: And listen, any mother who's dropping off
18 a young child in the cold or in the rain is not going to park in
19 the middle of the King Kullen parking space. They're going to
20 wait for a parking spot right smack in front of the door because
21 I'm also a working mom, although mine are grown as well. I
22 remember those days, and so, I think that the parking itself is
23 not going to present a problem.

24 MS. DEEGAN DICKSON: I think you're absolutely right about
25 that. The other thing, you know, we're not going to designate
26 these spaces as drop-off spaces, but as you mentioned, the other

1 uses here probably are not going to be open at 7:00 in the
2 morning or 8:00 in the morning. If parents come in early and
3 these are open, they'll pull in, drop your kid off --

4 MEMBER GOODSSELL: Drop the child off.

5 MS. DEEGAN DICKSON: And we have -- Laura Kulkarni operates
6 three other daycare centers, three other Goddard Schools. So,
7 she's got a pretty good handle on how her facilities operate,
8 and she said that the max is really three to five minutes, when
9 somebody gets out of their car. They bundle their kid up, they
10 walk them in, you know, hand them off to the teacher. Maybe
11 they, you know, give a snack or sign a permission slip or
12 something, but they're out back in their car between three and
13 five minutes. So, these are really rapid turnover spaces during
14 that short window in the morning, and then in the afternoon,
15 between 3:00 P.M. and 6:00 P.M., that's when the parents start
16 to come back. So, it's not like an elementary school, where
17 everybody has to be there at 8:40 in the morning, and you know,
18 all of the students and their buses and their cars and -- that
19 arrive at the same time.

20 MEMBER DONATELLI: Forgive me if you've already answered
21 this, but do you intend -- does the applicant intend to have
22 staff present during the morning drop off or the afternoon
23 pickup?

24 MS. DEEGAN DICKSON: Yes. So, there's staff there every
25 time it's open.

26 MEMBER DONATELLI: Meaning outside.

1 MS. DEEGAN DICKSON: Oh, outside. Well, they don't have it
2 because there's no curbside drop off, and parents have to walk
3 into the -- they're not receiving the children outside. They're
4 receiving the children inside. So, there will be staff there.
5 Again, these children are infants, toddlers, and preschoolers.
6 So, it's not even like, you know, you tell your six-year-old,
7 hey, just run in, and tell Ms. Smith that you're here.

8 MEMBER DONATELLI: So, they're always going to be
9 accompanied by a parent.

10 MS. DEEGAN DICKSON: Always, always. Before I turn it over
11 to Wayne, I just also want to talk about the loading zones. The
12 code requires one loading zone for every 10,000 square feet of
13 retail or warehouse. So, we're going to have about 3,000 square
14 feet of retail here. And then for all other businesses,
15 including a med spa, the bank, and the daycare center, it
16 requires one loading zone for 40,000 square feet. The whole
17 building is not 40,000 square feet. My interpretation would be
18 that it requires one loading zone for the whole building, but I
19 could understand an interpretation that it requires two. If you
20 want to say the retail should be separate from all other
21 businesses. The building department cited us as requiring three
22 loading zones for this building. The whole building is less
23 than 25,000 square feet, so I think three loading zones would
24 certainly be overkill, but even if it does -- is required by the
25 letter of the law, which I'm not sure. In the interest of time,
26 we decided not to challenge the interpretation of the building

1 department, but rather seek a variance.

2 The deliveries that will be coming here are -- it's going
3 to be very different from Staples. We're not having large
4 tractor-trailers and box trucks. Those would come and back up
5 to the loading zone doors over here, and they would stick out to
6 the parking lot like this. We'll have a UPS truck, or you know,
7 an Amazon van, pull in here, and then they'll run it in, and you
8 know, frankly, we all know the way they work. They'll probably
9 come in and find a little empty spot. Run in and run out. But
10 we do have at least that one loading zone, which I believe for
11 all of the uses there will be more than adequate to accommodate
12 the -- even if it's daily deliveries.

13 The other thing Laura told us is that she -- and all of her
14 other sites, she does not allow any deliveries to come to the
15 site during the morning pickup or the afternoon pickup. She has
16 very strict rules. No deliveries prior to 10:00 A.M. or after
17 3:00 P.M. There won't be any conflict with the deliveries for
18 her site at that time.

19 With that, I'd like to introduce Wayne Mueller from R&M
20 Engineering, and he can tell you some of the stuff that we've
21 been doing and answer any questions that you have.

22 MEMBER DONATELLI: Can I just ask one question? Because
23 your plans say that the existing retaining wall to be removed,
24 and the existing metal stairs to the loading dock to be removed.
25 So, they are going to be replaced with another one in the same
26 location, or they're going to be removed?

1 MS. DEEGAN DICKSON: Outside of the retaining wall. You're
2 talking about for the loading zone?

3 MEMBER DONATELLI: Well, I'm looking at your plan -- right
4 at your plan, and it says that it's going to be removed, but it
5 doesn't show where it is going to be placed. Obviously, because
6 it's off your plan. Is that what it is going to go --

7 MS. DEEGAN DICKSON: Yes. If you look at the survey, which
8 should be part of your package there, you'll see the survey.

9 MEMBER HERNANDEZ: The survey? Okay, give me one second.
10 The survey, you said, right?

11 MS. DEEGAN DICKSON: Yes. We also have a sketch that I
12 don't know if we submitted it, but it's something we'll show you
13 today, and then we could submit it. It's a sketch that R&M
14 Engineering did to show.

15 MEMBER DONATELLI: It caught my eye because you were
16 removing the old one.

17 MS. DEEGAN DICKSON: Right.

18 MEMBER HERNANDEZ: I don't see a new one.

19 MS. DEEGAN DICKSON: Yeah. You know what? Frankly, to the
20 building department's credit, and in their defense, if we didn't
21 identify it on the site plan, they probably did not pick up on
22 the fact that because it's off site, that it exists. There was
23 -- probably could've been noted clearly on the site plan, and it
24 was not.

25 CHAIRMAN MAMMINA: Reasonable.

26 MEMBER DONATELLI: I see on your survey that there is sort

1 of a carve out into the roadway next door.

2 MS. DEEGAN DICKSON: I'm sorry, say that again.

3 MEMBER DONATELLI: I said that there's a carve out into the
4 adjoining roadway, the easement.

5 MS. DEEGAN DICKSON: That already exists.

6 MEMBER DONATELLI: And that's marked loading area.

7 MS. DEEGAN DICKSON: Yes.

8 MEMBER HERNANDEZ: But that's not in the same location.

9 MS. DEEGAN DICKSON: It is in the same location.

10 MEMBER DONATELLI: It is in the same location, okay.

11 MS. DEEGAN DICKSON: Yeah. So, it used to be that the
12 trucks would back in and load into the loading dock.

13 MEMBER DONATELLI: Correct, yes.

14 MS. DEEGAN DICKSON: So, this now, they'll come up,
15 parallel, and just pull in, and then they can come in, and then
16 they can install a ramp here.

17 MEMBER DONATELLI: Basically, what you have removed,
18 basically, the ability to back up and roll stuff off the truck.

19 MS. DEEGAN DICKSON: Correct.

20 MEMBER DONATELLI: Because Staples obviously needed that
21 because of the weight.

22 MS. DEEGAN DICKSON: Right.

23 MEMBER DONATELLI: Okay.

24 MS. DEEGAN DICKSON: Right. So, turn it over to Wayne.

25 MR. MUELLER: Great, thank you. Good afternoon. For the
26 record, Wayne Mueller with the firm of R&M Engineering. Offices

1 at 50 Elm Street, Huntington, New York.

2 Kathleen has covered a lot of the information that I was
3 going to testify to this afternoon, but I'll just briefly
4 summarize the results of our analysis.

5 As the Board is aware, we prepared an original traffic
6 study for this development that was dated May 2025. Subsequent
7 to the -- to the change of zone application, which was approved
8 by the Town Board, we prepared an updated traffic analysis,
9 which is dated October 30, 2025, and made part of the record, as
10 indicated in that analysis, and as described by Kathleen, based
11 on the discussions that were held at the last hearing, a series
12 of meetings with the Nassau County Department of Public Works in
13 order to try to minimize as best as we could the ability for a
14 motorist to make the illegal turn out of the Shelter Rock Road
15 driveway onto Shelter Rock Road and by -- as Kathleen indicated,
16 and based on our discussions with the county, we're angling the
17 driveway. That's the pork chop or the median as best as we can
18 to try to force everybody to make the right turn out and go
19 south on Shelter Rock.

20 In addition, there's an existing no left turn sign, which
21 is located on the easterly side of Shelter Rock Road, which is
22 facing the driveway, which is currently pretty small by today's
23 standards. It's a 24 inch by 24 inch. We're going to make that
24 36 inch by 36 inch, as well as providing supplemental signing
25 internally to reinforce the fact that the motorist should make a
26 right turn.

1 As Board Member Hernandez has indicated, yeah, we will be
2 preparing and providing signage internally to minimize any
3 potential confusion for people to show them that they have to go
4 into the adjacent shopping center, and then travel to the main
5 driveway, and in and around.

6 In addition, as part of the welcome packets to the parents
7 who are enrolling their children into the daycare program, they
8 will also be instructed how to safely navigate both this site
9 and through the adjacent site to the traffic signal.

10 MEMBER HERNANDEZ: You don't have signs here in front of
11 us. But I'm assuming that on that exit, there will be a sign
12 that says Shelter Rock south only, correct?

13 MR. MUELLER: Correct, yes.

14 MEMBER HERNANDEZ: And there should be another sign in the
15 same general vicinity pointing that northbound Shelter Rock
16 traffic has to go into the opposite direction.

17 MR. MUELLER: Correct. There is one sign internally. It's
18 right about in this median. I'm referring to the survey in the
19 median that separates this property from the adjacent Kimco
20 property that currently exists a sign. It is rather small.
21 We'll make that sign larger.

22 MEMBER HERNANDEZ: Again, because the problem is that --
23 and listen, I live literally two minutes from there. So, I'm in
24 that shopping center. I go to King Kullen, and I'm always going
25 to the other stores there. The problem is that when people are
26 going to leave, they sort of enter that exit, and once they're

1 there, they're stuck. I want to go north.

2 MR. MUELLER: Right.

3 MEMBER HERNANDEZ: I don't want to go south, but now
4 they're stuck. Now, if you're smart, you go south, you go into
5 the parking lot, and you come out again, but we know that not
6 everybody's very smart, so they make the left. I think you need
7 to put some kind of signage showing that is only a southbound
8 exit, and you need to show where the northbound exit is because
9 unless you know you can go into the neighboring shopping center
10 -- if you came in from Northern Boulevard down southbound on
11 Shelter Rock, and you went in, you have no way of knowing that
12 you can connect to the other shopping center and come out that
13 way.

14 TOWN ATTORNEY ALGIOS: That's a good point, Jay.

15 MEMBER HERNANDEZ: Unless there is some kind of a signage
16 saying going southbound -- going northbound, you have to go into
17 the neighboring parking lot.

18 TOWN ATTORNEY ALGIOS: Directing northbound -- where you go
19 from northbound and where you go for southbound.

20 MR. MUELLER: Fully understand, yeah. I think that the
21 proper place -- now, I'm referring to the site plan prepared by
22 Luigi Golino Architect PC, and I'm kind of holding it. So,
23 north is up to page.

24 MEMBER HERNANDEZ: Yeah.

25 MR. MUELLER: The best spot to put that would be right here
26 in this median. There is a sign there now. It's pretty small.

1 It alerts people to make the right to go northbound. But I
2 totally understand what you're saying is that so if they were to
3 proceed through the parking lot, they should be alerted that
4 it's only southbound traffic, and that sign can actually be
5 placed in this median here, which is the first double row of
6 parking north of the building that said that would have Shelter
7 Rock Road southbound only, and then another sign here.

8 MEMBER HERNANDEZ: Left into the other parking lot with
9 another arrow pointing.

10 MR. MUELLER: Yes. That would, in my opinion, it should be
11 placed in this median here between the two properties.

12 MEMBER HERNANDEZ: Yeah.

13 MR. MUELLER: So, before they get through into this
14 property from the adjacent property, they were alerted to go
15 make a right, and go south, and then come back around. I
16 totally agree. I think that will eliminate any potential
17 confusion. Another thing that's going to eliminate the
18 confusion, too, is that obviously, the children that will be
19 attending this facility will be there for some time. And I
20 believe that you indicated that people become -- they become
21 creatures of habit. So, for the time frames that the children
22 are there, the parents will know, no, no, I shouldn't go that
23 way. And it's dangerous to make that left, and we're doing, as
24 best as we can, to try to minimize that.

25 MEMBER HERNANDEZ: I'm only pointing it out because there
26 are no signs anywhere here in front of us now, and I want to

1 make sure that it's clear that there needs to be signage as to
2 how do you get to Shelter Rock south -- north; excuse me.

3 MR. MUELLER: Yeah. And I believe that that's something
4 that should be totally addressed.

5 In addition, based on the discussions that we had at the
6 last hearing -- I'm just going to refer to the aerial exhibit
7 that we prepared. There was some concerns regarding the fact
8 that traffic currently backs up from Northern Boulevard, south
9 on Shelter Rock Road within this area, I believe, this -- I
10 can't remember the name of the park.

11 MEMBER HERNANDEZ: That's the old Shelter Rock exit, and
12 that's Veterans Park.

13 MR. MUELLER: Right, yes, correct. So, it backs up in this
14 area, and right currently, there's like a hatched area that most
15 people won't drive in, even though theoretically, based on the
16 vehicle and traffic law, they could. Based on the discussions
17 that we had with the County, they agreed to allow the applicant
18 to remove the hatching, and then lengthen the turn lane by about
19 175 feet. What that will allow people to do is, rather than
20 kind of adding to the queue of vehicles, they'll be able to get
21 out of Shelter Rock Road earlier, 200 feet, and then travel
22 through the turn lane, and then make the left into the site and
23 drop off their children.

24 MEMBER GOODSELL: That'll accommodate what, maybe another
25 --

26 MEMBER HERNANDEZ: Ten cars.

1 MEMBER GOODSELL: Ten cars, eight cars, ten cars, something
2 like that.

3 MR. MUELLER: Somewhere in that.

4 MEMBER GOODSELL: Which I think is sufficient.

5 MR. MUELLER: Yes.

6 TOWN ATTORNEY ALGIOS: So, Wayne, where are you at with the
7 County on that?

8 MR. MUELLER: The first set of drawings have been
9 submitted. They provided us with comments. We're in the
10 process of addressing those comments. We anticipate them to be
11 submitted with -- before the holidays. At which point, I would
12 say, shortly after the holidays, we'll receive either an
13 approval from the County or another round of comments. We're
14 trying not to get another round of comments. That's our goal.

15 TOWN ATTORNEY ALGIOS: What about the changes to the
16 island?

17 MR. MUELLER: Same thing. That's all part of the same
18 package.

19 TOWN ATTORNEY ALGIOS: Application.

20 MR. MUELLER: Correct. That went to the County. Part and
21 parcel. That's the way they wanted it handled was
22 simultaneously. So, then hopefully, within the next few weeks,
23 a permit will become available. If this project were to be
24 approved, then the applicant would pull the permit and perform
25 that work as part of the interior renovation of the building.

26 So, in addition, based on the information presented in both

1 of our reports, we did perform a detailed parking analysis as to
2 the adequacy of the parking area that would be provided on the
3 property. And as I testified at the last hearing, based on our
4 analysis, we believe that there will be sufficient parking to
5 accommodate both the proposed Goddard School, the other two
6 vacant tenants, and the existing bank. We would anticipate that
7 there would be 13 vacant parking spaces on the property
8 translating to an 84 percent occupancy of the lot.

9 As part of the Town Board application, there were two
10 conditions I believe that the town had wanted implemented, and
11 they directly relate to the way that the traffic flows on the
12 property and the parking. I'll just briefly go through those.
13 The Town Board in the adoption of the change of zone has
14 indicated that they would prefer to have -- or they're requiring
15 that clear signage and pavement markings for the reserve daycare
16 drop-off, pickup spaces must be installed and continuously
17 maintained, if the Board of Appeals was to grant this
18 application. That's a very prudent thing to have employed.

19 The second thing that really kind of is important is that
20 the employee parking for the Goddard School shall be in the rear
21 of the lot. Essentially, the rear, they're talking about the
22 northern portion of the lot. It's kind of -- the property's, as
23 the Board's aware, has that weird configuration backwards. As
24 Kathleen indicated and the applicant has agreed to, the
25 employees should park in the northern portion of the lot leaving
26 the remainder of the southern portion of the lot available for

1 parents who are coming to and from the facility, as well as the
2 tenants of both the two vacant unknown tenants at this point and
3 the bank. That will actually ensure for a good flow of traffic
4 through the property.

5 Then the third condition that the Town Board had
6 recommended was that the planning department -- we'll monitor
7 it, and if they believe that there's any type of problems that
8 they'll require the applicant to make some changes, and that's a
9 very prudent thing to do, and then that's really about it.

10 The last one would pertain to landscaping, which is really
11 not under this Board's preview, but.

12 The results of both of the analyses that we prepared, the
13 original one back in May, and then the revised one, indicated
14 that the traffic generated by the proposed Goddard School will
15 not significantly change or impact traffic conditions in and
16 around this area.

17 It is my professional opinion that as a team, we're
18 attempting to eliminate some of the concerns that the Board has
19 as far as the illegal lefts, providing a quicker way for parents
20 who are traveling in the northbound direction on Shelter Rock
21 Road to access the property, and therefore, based on the
22 analysis that we prepared, it is my professional opinion, that
23 by granting this application, it will not create parking
24 congestion on the subject or the adjacent property, and that the
25 granting of the special use permit will not create any undue
26 traffic congestion or hazard.

1 CHAIRMAN MAMMINA: Thank you, Mr. Mueller.

2 MR. MUELLER: Thank you.

3 CHAIRMAN MAMMINA: Any other questions?

4 MEMBER DONATELLI: No.

5 MEMBER GOODSELL: That's fine.

6 MR. MUELLER: Thank you.

7 CHAIRMAN MAMMINA: Thank you. Ms. Dickson?

8 MS. DEEGAN DICKSON: Hello, again. Just briefly, I'd like
9 to introduce Michael Lynch of Lynch Appraisals just to -- for a
10 brief presentation on the conditional use criteria, and then I
11 think we'll leave it to questions after that.

12 CHAIRMAN MAMMINA: Okay, thank you. Good afternoon, Mr.
13 Lynch.

14 MR. LYNCH: Good afternoon, Mr. Chairman, Members of the
15 Board. It's Michael Lynch. I'm here as a state-certified real
16 estate appraiser with offices at 15 Dewey Street in Huntington.
17 As you know, I have appeared many times in the past before this
18 Board.

19 CHAIRMAN MAMMINA: Yes.

20 MR. LYNCH: I prepared a report back in October for the
21 change of zone, and I was at that hearing, and again, a report
22 was presented as to the compatibility of the change of zone from
23 the parking district to the BA district to accommodate this
24 proposed use. I reviewed that application, and as well as this
25 zoning board application for the conditional use for the daycare
26 use, and I'm just going to briefly go over the criteria for the

1 granting of the conditional use of the daycare on this property.

2 As per Section 70-225, in making such determination the
3 relevant conditional use criteria.

4 One, whether the proposed use is of such character, size,
5 location, design, and site layout as to be appropriate to and in
6 harmony with the surrounding properties? Well, the proposed use
7 is of a daycare center, and considering the location, building
8 design, and site layout, as well as the surrounding land uses,
9 which includes similar -- a nearby daycare center, it is
10 appropriate and in harmony with the surrounding properties.

11 Two, whether the proposed use will provide a desirable
12 service, facility, or convenience to the area, or otherwise
13 contribute to the proper growth and development of the community
14 and to its general welfare? Kathleen indicated there is a
15 shortage of daycare facilities, especially since COVID, not only
16 in Manhasset, but in Long Island in general. So, the proposed
17 use is a desired service and convenience to the Manhasset
18 community and will contribute to said community's growth.

19 Three, whether the proposed use will be hazardous,
20 conflicting, or incongruous to the immediate neighborhood by
21 reason of excessive traffic, assembly of persons, or vehicles,
22 proximity to travel routes or congregations of children and
23 pedestrians? Wayne Mueller at R&M Engineering, in his report,
24 concluded that the proposed use will not be hazardous, will not
25 impact the level of service at the signalized intersections or
26 surrounding traffic patterns based on the hours of operation of

1 the use, and that available on-site parking is adequate to serve
2 the proposed daycare use.

3 Four, whether the proposed use will be of such nature as to
4 be objectionable to nearby residential dwellings by reason of
5 noise, lights, vibration, or other factors of impact.

6 The nearest residences are behind the Manhasset Center to
7 the west, approximately 500 feet away on Brinckerhoff Lane, so
8 there will be no impact to the nearest residential structures.

9 Five, whether the proposed use will be a harmonious use in
10 the district in which it is to be situated and not hinder or
11 discourage the appropriate use and development of adjacent uses
12 or impair the value thereof? So, the proposed daycare use is
13 harmonious with the surrounding land uses within the BA
14 district. It will not hinder or discourage the appropriate use
15 or development of adjacent uses, and it will not adversely
16 impact real property values of adjacent uses.

17 So, overall, the proposed daycare use will conform to the
18 general character of the neighborhood and the public health,
19 moral, safety, and general welfare of the neighborhood, will be
20 secured by the granting of this conditional use by the Board of
21 Zoning Appeals.

22 I can answer any questions, that the Board may have any,
23 but otherwise, that concludes my report.

24 CHAIRMAN MAMMINA: Any questions?

25 MEMBER GOODSELL: No questions.

26 CHAIRMAN MAMMINA: Very complete.

1 MR. LYNCH: Thank you.

2 MS. DEEGAN DICKSON: Thank you, Mike. Just to close. Last
3 time we were here, you heard from Laura Kulkarni, who's the
4 operator of the Goddard School. She's here again today. We
5 don't have to bring her up again, but I just wanted to reiterate
6 that the Goddard brand is one of the premier daycare providers
7 nationally in the country. Laura operates three facilities in
8 New Jersey and very similar communities to the Manhasset
9 community, similar demographics, similar traffic patterns,
10 similar proximity to transportation and New York City. She's
11 won the Gold Medal for Excellence from the Goddard School.
12 She's really is a first-class operator, and she's somebody who's
13 committed to hiring locally, and to really being a credit to the
14 community. I think, not only is it going to be a good addition
15 to this shopping center, I think it's going to be a wonderful
16 addition to the Manhasset community and the surroundings.

17 We did have a meeting with the Greater Council of Manhasset
18 Civics early in the process. They had the same comment that the
19 Board had about that northerly exit, but that was really their
20 only concern. I wouldn't even say it was a negative comment.
21 That was their only concern. We haven't had anybody at the
22 change zone hearing or at either of these hearings in
23 opposition. I think that speaks volumes to that there will not
24 be any negative impact on the community and the residents. This
25 is something that would really be favorable to the area.

26 So, with that, we encourage this Board to grant the

1 variances in the conditional use permit. Thank you for your
2 time.

3 CHAIRMAN MAMMINA: Thank you.

4 MEMBER GOODSSELL: Well, I have no further questions, but as
5 a working mom, and I was working from the time the kids were
6 three months and six months old, we do not have enough quality
7 daycare in Nassau County, and I am very much in favor of this
8 application, and I would be pleased to make a motion for us to
9 grant the application.

10 CHAIRMAN MAMMINA: Okay, then.

11 MEMBER HERNANDEZ: Second.

12 CHAIRMAN MAMMINA: We have a motion from Member Goodsell,
13 and second from Member Hernandez. Please poll the Board.

14 SECRETARY WAGNER: Member Hernandez?

15 MEMBER HERNANDEZ: Aye.

16 SECRETARY WAGNER: Member Goodsell?

17 MEMBER GOODSSELL: Aye.

18 SECRETARY WAGNER: Member Donatelli?

19 MEMBER DONATELLI: Aye.

20 SECRETARY WAGNER: Chairman Mammina?

21 CHAIRMAN MAMMINA: Aye. I have two things to say. First,
22 I'm very pleased that the Town Board really, from my
23 perspective, moved through this zone change, which I think is
24 terrific, and sometimes, we get into these anomalous kinds of
25 things.

26 Then my question for the operator is, there's no bathroom

1 on the roof area. My little grandson, Leo, will never make
2 it.

3 MS. DEEGAN DICKSON: I think a lot of diapers involved, so.
4 But thank you very much.

5 MEMBER GOODSELL: If all goes well, what is the projected
6 date of opening?

7 MS. KULKARNI: Maybe April 2027.

8 MEMBER GOODSELL: Okay.

9 MS. KULKARNI: Quarter-one, 2027.

10 MS. DEEGAN DICKSON: Thank you very much.

11 CHAIRMAN MAMMINA: You're welcome.

12 MS. DEEGAN DICKSON: Happy Holidays, Merry Christmas, Happy
13 New Year. We'll see you next year.

14 MEMBER HERNANDEZ: Yes.

15 MEMBER DONATELLI: Good luck to you.

16

17

18 SECRETARY WAGNER: Appeal #21768, 983 Realty LLC; 983
19 Willis Avenue, Albertson; Section 9, Block 66, Lot 1236; Zoned:
20 Business A.

21 Variances from 70-103(A)(1) and 70-103(M) for interior
22 alterations to allow additional office space with not enough
23 parking and parking within a required front-yard setback.

24 CHAIRMAN MAMMINA: You heard Appeal #21768, 983 Realty LLC.
25 Is there anyone in the room interested in the application other
26 than the applicant?

1 Seeing two hands, and you will have the opportunity to
2 speak after the presentation. Thank you for coming.

3 MR. TSOUKALAS CURTO: Good afternoon, Chairman, Members of
4 the Board. My name is Andrea Tsoukalas Curto. I'm with the
5 firm of Forchelli Deegan Terrana with offices at 333 Earle
6 Ovington Boulevard, Uniondale, New York. On behalf of the
7 applicant 983 Realty LLC.

8 I just wanted to take a moment to introduce my team. Wayne
9 Mueller and Angela Kolosky are here from R&M Engineering. Young
10 Kim is also here. He's the applicant's architect with 3A
11 Architects. This is an application for minor area variances.
12 Specifically, the applicant is seeking a minor parking variance
13 for a deficiency of two stalls and a variance for parking within
14 the front-yard setback.

15 A little background regarding the premises. The premises
16 is located on the southwest corner of Willis Avenue and IU
17 Willets Road, and is situated in the town's Business A zoning
18 district. It has a lot area of 0.7 acres and is comprised of
19 two parcels.

20 Parcel A is 23,410 square feet, and is improved with a two-
21 story, 36-square-foot office building and a parking lot.

22 Parcel B is 7,199 square feet and is improved with two
23 garages and a parking lot.

24 The main entrance to Parcel A is on IU Willets. The Willis
25 Avenue curb cut is an exit only. It's a right turn out, and
26 this was originally the drive-through for the bank. The prior

1 use for this premises was a bank dating back from the 70s.

2 The applicant proposes to increase the office space on
3 Parcel A by 706.5 square feet, and that is what triggered this
4 parking variance.

5 The proposed renovation is an infill of the existing
6 structure. So, it's just going to be the second story. They're
7 going to increase the square footage by just making it a full
8 story. They're not increasing the building footprint or the
9 massing of the building. The owner occupies the second floor of
10 the building. They're an accounting firm. The first floor is
11 occupied by a leasing corporation. They're an auto leasing
12 office. There are no vacancies at this time, and then when the
13 traffic and parking report was conducted, there were no
14 vacancies at that time either.

15 The applicant is adding a loading area and a handicapped
16 stall on Parcel A, and they're also reconfiguring the parking
17 stalls, so that they're all the same size and that they all meet
18 the 10-by-20 requirement.

19 The applicants also proposed to demolish the two garages on
20 Parcel B, and they're going to be creating additional parking
21 there, and they're also going to incorporate a 15-foot landscape
22 buffer on that westerly boundary line. That buffer does not
23 currently exist.

24 Parcel B will be used as overflow parking for the tenants
25 in Parcel A. It's currently not being used because it's not
26 striped, and it's not really maintained. It was approved back

1 in 1979. This Board approved it under Appeal #11486. It was
2 used, I guess, for some time, but these tenants really -- based
3 on what I saw in the report, there was only two people parked in
4 that lot.

5 Mr. Mueller did do a parking study. They concluded that
6 there's sufficient parking on site to accommodate the proposed
7 increase in the office space.

8 With respect to the front-yard setback variance, those two
9 stalls have always been within the front-yard setback. We're
10 just maintaining that existing condition.

11 I did want to mention that Virginia Wagner did send me two
12 letters of opposition that we got this morning with a petition
13 attached to it. The sum and substance of the opposition was
14 parking and traffic. Existing conditions on Willis Avenue were
15 a big concern, as well as residents not being able to park in
16 front of their homes, and they felt that the additional office
17 space being added is going to impact them because there's not
18 adequate parking on site. So, as I mentioned, and I will go
19 through it again, the existing site has 21 parking stalls on
20 Parcel A, 13 parking stalls on Parcel B, for a total of 34.
21 We're increasing that to 38 parking stalls. Based on Mr.
22 Mueller's report, the actual demand for the existing uses, which
23 again, they're at capacity is 33 vehicles. With this additional
24 706 square feet, that's going to generate an additional three
25 cars. So, for a total of 36. We're going to have 38 parking
26 stalls, so there's going to be more than sufficient parking on

1 site to accommodate the future use of the additional 706 square
2 feet.

3 I also wanted to mention, if you turn to Exhibit A in the
4 parking study. This is this exhibit here. It shows the areas
5 where there's on-street parking. Our 33-stall demand also
6 includes ten vehicles being parked on Taft Place. A lot of the
7 residents that are complaining do live on Taft. Six are
8 immediately in front of our building. We assume that all ten
9 were for us. We're not sure, but we did worst case scenario.

10 Long story short, there are restrictions on parking in
11 other areas. Two-hour parking is permitted, 10:00 A.M. to 3:00
12 P.M., Monday through Saturday. There is no such restriction in
13 that area identified as C on the exhibit packet, Exhibit 1. If
14 you -- the Town Board wishes to put in such restriction to allow
15 for residents to park there instead of people, we don't have any
16 objection to that, but other than that, we really don't see how
17 we contribute at all to any existing conditions that the
18 residents are complaining about. Again, we are going to have
19 more than sufficient parking on site. We are increasing the
20 number of parking stalls by four. The deficiency, pursuant to
21 code is two parking stalls, but the actual demand based on our
22 expert report is 38 -- I'm sorry 36, and we are proposing 38, so
23 we'll have two extra stalls.

24 The other thing, we're only going to be adding two
25 additional trips during any peak hours, which is nothing.

26 MEMBER HERNANDEZ: You mentioned that, I guess, what

1 they're doing is, they're going to -- this building is round, so
2 I'm assuming it's a donut.

3 MR. TSOUKALAS CURTO: Yeah.

4 MEMBER HERNANDEZ: And they're filling the donut.

5 MR. TSOUKALAS CURTO: Yeah, that's it. No increase in
6 height. No increase in massing. Nothing like if you're
7 standing on the street, you're not going to know that anything
8 is different because we're just infilling.

9 MEMBER HERNANDEZ: Right, because the ground floor is
10 already occupied, so they're just going to fill the second
11 floor.

12 MR. TSOUKALAS CURTO: Correct. That's exactly right.
13 We're just increasing the office space on the second floor.

14 MEMBER GOODSELL: Everybody knows this building.

15 CHAIRMAN MAMMINA: I'm smiling because --

16 MEMBER GOODSELL: We called it the Jetson's building.

17 CHAIRMAN MAMMINA: I was in junior high school, so.

18 MR. TSOUKALAS CURTO: It is a unique style, yes.
19 Aesthetically, it is different.

20 MEMBER GOODSELL: It was an Alliance Savings Bank for years
21 and years and years.

22 MR. TSOUKALAS CURTO: It was. Dating back to the 70s.

23 MEMBER GOODSELL: I've been in the building. I did a
24 closing in there once with an attorney who was in there. It's
25 deceptive because the offices in there do not -- you don't
26 immediately notice that they're curved. That they're circled.

1 They really are designed so that your eye kind of sees them as
2 square. It's interesting. But I didn't realize the building
3 was still occupied. I haven't been in there in a very, very
4 long time.

5 MR. TSOUKALAS CURTO: It's fully occupied, yeah.

6 MEMBER GOODSELL: I had no difficulty parking when I looked
7 at this property during a weekday, and I didn't have any
8 difficulty parking when I did a closing there years ago, so.

9 MR. TSOUKALAS CURTO: Yeah.

10 MEMBER GOODSELL: I am interested to see what is happening
11 with this, and I was interested to see when I saw it on the
12 calendar. So, it's still occupied. Still going strong. Now,
13 it will have an additional 700 square feet?

14 MR. TSOUKALAS CURTO: It's 706, yes.

15 MEMBER GOODSELL: Is that for one tenant, two tenants, or
16 are there no proposals right now?

17 MR. TSOUKALAS CURTO: Well, the owner's on the second
18 floor. So, he's just increasing his office space.

19 MEMBER GOODSELL: Gotcha.

20 CHAIRMAN MAMMINA: Got it.

21 MR. TSOUKALAS CURTO: Would you like to hear from Mr.
22 Mueller, or would you want to rely on his report?

23 CHAIRMAN MAMMINA: Sure.

24 MEMBER GOODSELL: Mr. Mueller came all the way here. We
25 are delighted to hear from you.

26 MR. MUELLER: Thank you. For the record, Wayne Mueller.

1 The firm of R&M Engineering. Offices at 50 Elm Street,
2 Huntington, New York.

3 As Ms. Curto indicated, we prepared a parking assessment of
4 the project, which was previously submitted to the Board, and
5 that report is dated October 16, 2025.

6 Just to briefly summarize. We performed observations of
7 the existing conditions that exist on the subject property as it
8 relates to parking. The observations were performed on Tuesday,
9 October 7, 2025, from 7:00 in the morning till 6:00 in the
10 evening. In concert with the observations that we performed on
11 site, and that being in the parking area that's to east of the
12 round building. We also observe the parking that's in the lot
13 to the south of the round building. What we found was that in
14 the round -- in the two parcels that are associated with the
15 round building, we saw a total of 23 vehicles parked in those
16 two parcels, 21, and the easterly one, and two vehicles in the
17 southerly one. The two vehicles in the southerly one, they were
18 there from 7:00 in the morning till 6:00. We really don't know
19 what they were associated with, but there were two vehicles
20 parked in that lot.

21 Then, we also observed the quantity of vehicles parked on
22 Taft Avenue, and as indicated in the exhibit that's appended to
23 my report, currently, we observed three different parking areas
24 on Taft Avenue. Essentially, from Walker Place to IU Willets
25 Road. As Ms. Curto indicated, the bulk of the frontage on Taft,
26 as it relates to parking, is restricted by hours of operation in

1 which vehicles can safely park there. That is from 10:00 A.M.
2 to 3:00 P.M. There's two-hour parking along the entire west
3 side of Taft Avenue, and then on the east side from the subject
4 parcel's property line south to Walker Place. Again, that two-
5 hour restriction is in place.

6 As part of the observations, we observed during the same
7 time frames the number of vehicles that were parked on Taft
8 Avenue. During the peak times, we saw ten vehicles that were
9 parked on Taft. We assumed, as part of our analysis, that all
10 ten vehicles were associated with the site. Especially, along
11 the site frontage, there were six vehicles parked. It just
12 looked like it was closer to get into the building if you parked
13 on Taft than you would have in the other lot and had to go all
14 the way out and around. So, we just assumed that they were
15 associated with the building. So, then that would be a maximum
16 number of 33 vehicles that were parked with the existing uses
17 that are on the property, including the on-street parking.

18 We then computed a parking generation rate utilizing the
19 observed number of vehicles parked, and then we applied that to
20 the additional 706.5 square feet of filling in the donut
21 building area that the applicant is proposing, and using those
22 statistics, we came up with an additional three vehicles parked.

23 As Ms. Curto has indicated, it's really just an infill of
24 that donut space in the middle of the building. So, we can make
25 an argument that it really wouldn't generate any parking;
26 however, to be conservative, we assumed that it would be, and

1 that using the existing parking ratios, at a worst-case
2 scenario, assuming that all of the on-street parking was
3 associated with the subject at 1:00 in the afternoon that we
4 would anticipate three more vehicles parked, and that would
5 translate to a total of 36 vehicles. As Ms. Curto indicated,
6 now, shown on the plans, 38 parking spaces are going to be
7 provided on the property between the two parking lots, so
8 therefore, there is -- there'll be more than sufficient parking
9 to accommodate the activity that would be generated by a very
10 conservative analysis of the parking due to the minor infill of
11 building area.

12 My report also indicates that the -- if we were to assume
13 that additional area would generate traffic, that it would
14 generate a maximum of two additional trips, which is relatively
15 minor. So, therefore, based on the analysis that we performed,
16 it is my professional opinion that by granting the relief to
17 allow the infill of the donut area within the building, that
18 there'll be no significant impacts to parking and/or traffic
19 conditions. Thank you.

20 CHAIRMAN MAMMINA: Thank you, Mr. Mueller. Before I call
21 on the other gentleman, Ms. Curto, is there -- there are -- I
22 guess there are two sets of old plans that are in there. Is
23 there a new plan, and I'm missing it?

24 MR. TSOUKALAS CURTO: There's definitely a new plan, which
25 lays out the parking.

26 CHAIRMAN MAMMINA: I'm talking about inside the building.

1 MR. TSOUKALAS CURTO: No, floor plans were not submitted.

2 CHAIRMAN MAMMINA: Okay.

3 MEMBER HERNANDEZ: It's just a donut.

4 MR. TSOUKALAS CURTO: Because it's just a donut. Just
5 filling in the second floor.

6 CHAIRMAN MAMMINA: Yeah, I would have shown a plan. If it
7 was me, but that's okay.

8 MEMBER DONATELLI: This is office space, not where clients
9 come to the office, but rather just workers in the space, or is
10 it like an accounting office?

11 MR. TSOUKALAS CURTO: It's an accounting office, so you
12 have people who work there, but I'm sure there's people that
13 come to visit with their accountant.

14 MEMBER HERNANDEZ: I'm trying to determine whether there is
15 intra-day traffic versus 9:00 to 5:00 all-day parking.

16 MR. TSOUKALAS CURTO: I think there's a combination of
17 both.

18 CHAIRMAN MAMMINA: Yeah, it's such an odd shape. I don't
19 even really see how you furnish it fully, efficiently, but
20 that's okay, I get it.

21 MR. TSOUKALAS CURTO: Do you have any more questions for
22 me?

23 CHAIRMAN MAMMINA: No. I think we had two gentlemen with
24 their hands up. So, if you'd like to come up, one at a time,
25 and please give your name and address.

26 MR. MACCHIA: Hello. Alan Macchia, 5 Grant Avenue,

1 Albertson. I was sent here by some of the residents in the
2 surrounding streets Grant Avenue, Taft Place, Walker Place, and
3 McKinley Avenue. We wrote up a little thing here. I'd like to
4 read it into the record.

5 MEMBER HERNANDEZ: Of course.

6 CHAIRMAN MAMMINA: Sure. Just read it slowly. Just
7 because she's typing.

8 MR. MACCHIA: We are writing to express our strong
9 opposition to Appeal #21768. Our primary concern is the impact
10 this expansion will have on parking and traffic in our
11 neighborhood. Willis Avenue already suffers from significant
12 parking limitations, and many residents who live on Willis
13 Avenue are frequently unable to park near their homes. As a
14 result, they are forced to park on surrounding side streets,
15 which are often already congested. Adding additional office
16 space without adequate parking will increase this problem and
17 create a substantial inconvenience for the families who live
18 here.

19 There is also a school located about 1,000 feet from the
20 property in question. Willis Avenue is a main road and already
21 experiences heavy daily traffic, particularly during school
22 drop-off and pickup times. An expansion that brings additional
23 employees, visitors, and commercial activity will add to
24 congestion creating risks for young children crossing or walking
25 near the roadway and complicate traffic flow on an already busy
26 main route.

1 The variance being requested specifically for insufficient
2 parking and parking within a required front-yard setback
3 undetermined the purpose of the zoning regulations. These rules
4 exist to protect residential neighbors and commercial overflow,
5 maintain orderly development, and prevent precisely the kinds of
6 problems this project would cause. Granting these variances
7 would set a concerning precedent that zoning standards can
8 easily be bypassed at the expense of the community.

9 Our neighborhood is primarily residential, and spillover
10 from commercial uses has already impacted noise levels, street
11 congestion, and parking availability. Expanding office space
12 will intensify those affected, further diminishing the quality
13 of life for residents who rely on safe streets, accessible
14 parking, and manageable traffic conditions.

15 The combination of increased traffic and more cars parking
16 on side streets can impede emergency response, also. Fire
17 trucks, ambulances, and police vehicles already navigate tight
18 conditions during peak times. Any congestion or street parking
19 overflow increases the delays during critical moments.

20 Increase intensity of commercial use on a property will
21 bring more vehicle emission noise and general activity to an
22 area that borders residential homes. This change is
23 inconsistent with established character and immediate
24 neighborhood, and would shift the balance of use further toward
25 commercial intrusions.

26 For these reasons, we respectfully but firmly oppose the

1 requested variance and the proposed expansion. We urge the
2 Board to deny the appeal in order to protect the safety, zoning,
3 integrity, and quality of life of residents of Willis Avenue and
4 the surrounding neighborhood. Thank you for your attention in
5 this matter.

6 CHAIRMAN MAMMINA: We appreciate that.

7 MR. MACCHIA: Thank you.

8 CHAIRMAN MAMMINA: Yeah, and I personally am very familiar
9 with the area having grown up not too far from there and live
10 not too far from there for several decades. I wonder if the
11 residents are aware of the fact that the property to the south
12 of this building is also parking that belongs to this building,
13 and I agree, going up and down Willis Avenue, you can't park.
14 But it was built prior to the time when stores had parking.
15 People didn't have as many cars, and you know, again, I remember
16 just growing up, I mean, there were families, you know, that
17 they had no car at all. We do get a lot of applicants -- well,
18 we get several applications that are for stores that directly
19 front onto Willis Avenue. Yeah, I mean, that's tough to find
20 parking in those.

21 In this case, I mean with 700 square, I mean, it's not the
22 size of this room, I would assume. So, I mean, I hear the
23 community. I was the president of my civic association in Carle
24 Place for several years, and we'd come out, you know, to the
25 different hearings, and they're not easy. I mean, they're
26 certainly not easy. You do have the Viscardi School, you know,

1 that is down the block, which has its own parking and things,
2 and within that, they have a large tract of land. The church
3 I'm familiar, you know, with the church, and it does have
4 parking in the back, but I would think that hours are not
5 coincident with that. The church is not going to be -- is not
6 going to be having services and things generally when the --
7 I'll still call it the bank building, you know, is open.

8 We always appreciate, you know, comments from neighborhood,
9 and part of our job is also, you know, to say the way the Board
10 sees it, or at least one member of the Board. So, I do thank
11 you for the comments, and they do become part of the record, and
12 you've sat with us all day, so I hope it was at least
13 entertaining for you.

14 MEMBER GOODSSELL: Thank you very much.

15 MR. MACCHIA: Thank you. Happy holidays.

16 CHAIRMAN MAMMINA: And you, too.

17 MR. MENHRAJANI: Deepak Menhrajani, 5 Taft Place,
18 Albertson, New York 11507. So, I'm in right next door to the
19 property, and when I looked at this, it seems like the parking
20 lot is being proposed to expand touching my house, actually.
21 Maybe it just looks like that in the drawing, but there is an
22 expansion, so.

23 CHAIRMAN MAMMINA: No, the parking lot is not expanded.
24 It's exactly as it exists now. There's no expansion of the
25 parking lot.

26 MR. MENHRAJANI: But when I get -- when I get this, it

1 seems like --

2 MEMBER HERNANDEZ: There are two garages there now, and
3 what they are proposing is to remove the garages.

4 MR. MENHRAJANI: Yeah, that's Parcel B, right? But Parcel
5 A, the blue line here is touching my house, so I -- so, it left
6 me under the impression that what's being proposed is cutting
7 down the trees that are between my house and the parking lot,
8 and you know, kind of expanding that parking lot. That's the
9 impression that, you know, this drawing left me with.

10 MEMBER HERNANDEZ: We will have to address it.

11 SECRETARY WAGNER: What are you looking at? What drawing
12 is that? Where did you get that?

13 MR. MENHRAJANI: It was in the package.

14 MEMBER HERNANDEZ: It's from the --

15 CHAIRMAN MAMMINA: From the traffic study.

16 MEMBER HERNANDEZ: From Mr. Mueller's report.

17 MR. MENHRAJANI: So, this left me with the impression that
18 there will be no space between my house and the parking lot and
19 that, you know, obviously, this is my kitchen here with the big
20 window, and then so basically, you know, I'll be handing them
21 food.

22 MEMBER HERNANDEZ: They'll answer the question.

23 CHAIRMAN MAMMINA: They'll take their deposits.

24 MEMBER GOODSELL: Whose property are the trees on?

25 CHAIRMAN MAMMINA: Let me take a look at that.

26 MR. MENHRAJANI: On the commercial properties.

1 MEMBER GOODSELL: It's on the commercial property.

2 MR. MENHRAJANI: And then there's a fence, and then there's
3 a little bit of boundary between that. But this seems like it's
4 coming onto the boundary, which you know, I don't think they
5 can.

6 MEMBER GOODSELL: Well, they're not allowed to touch your
7 property.

8 MR. MENHRAJANI: Right, exactly.

9 MEMBER GOODSELL: They're not allowed.

10 MR. MENHRAJANI: But the drawing just, you know, the
11 drawing seems odd in that way, and then same for Parcel B. It's
12 kind of cutting into -- coming closer to my cottage.

13 MEMBER GOODSELL: And on Parcel B, whose trees are those?

14 MR. MENHRAJANI: I think it could be theirs. Or it could
15 be mine. I haven't gone back there in a while, so.

16 CHAIRMAN MAMMINA: I think we'll have the applicant answer
17 that. But, yeah, I see it in -- in the --

18 MEMBER HERNANDEZ: The area.

19 CHAIRMAN MAMMINA: I'll call it the Google Earth area.

20 MEMBER GOODSELL: I'm looking at Google Earth as well.

21 CHAIRMAN MAMMINA: I mean, it's not going to be anything.

22 MR. TSOUKALAS CURTO: No, there's existing trees. I just
23 want to clarify that we're not removing any trees. The
24 schematic that he's looking at is just that -- they're just
25 showing that blue line --

26 MEMBER HERNANDEZ: The lot lines.

1 MR. TSOUKALAS CURTO: It's not even the lot line. It's the
2 parking area. It's not the actual lot line.

3 MR. MENHRAJANI: Yeah, but even the parking, it's touching
4 my house. So, basically, it can't be the parking area.

5 CHAIRMAN MAMMINA: Well, let's let Mr. Mueller then point
6 that out to you.

7 MR. MUELLER: For the record, Wayne Mueller, R&M
8 Engineering. Yeah, the blue, and if you -- you're referencing
9 this blue line right here.

10 MR. MENHRAJANI: This is my house.

11 MR. MUELLER: Correct. So, we used a Google Earth image
12 superimposed the areas in which we observed the parking. It's
13 not to scale. It's not representative of the property line
14 and/or the trees. It really just showed that this was Area A
15 and that's B. So, it -- we apologize for the confusion that we
16 created, but no, we're not going anywhere near your home with
17 this development.

18 CHAIRMAN MAMMINA: And also, the site plan drawings show
19 that as well.

20 MEMBER DONATELLI: Correct.

21 CHAIRMAN MAMMINA: Yeah, they show the buffers remaining.

22 MR. MUELLER: Correct. You could see the site plan shows
23 that the existing property line is to remain. There's this
24 buffer area here with the trees.

25 CHAIRMAN MAMMINA: Yeah.

26 MR. MUELLER: This is your house right here, I believe.

1 Nothing's changing.

2 MR. MENHRAJANI: When I saw this, this was alarming.

3 CHAIRMAN MAMMINA: No, I understand.

4 MR. MUELLER: It was a little confusing. I'm sorry.

5 CHAIRMAN MAMMINA: Thank you for coming down.

6 MR. MENHRAJANI: Thank you.

7 MR. MUELLER: We apologize for the confusion.

8 MR. MENHRAJANI: Okay.

9 CHAIRMAN MAMMINA: No, that's -- I would do the same thing
10 if I were you.

11 MR. MENHRAJANI: Yeah, of course.

12 MR. TSOUKALAS CURTO: Just to clarify. This little buffer
13 area, the island, we cut it back a little bit for better access.
14 We could keep it as is.

15 CHAIRMAN MAMMINA: Okay.

16 MR. TSOUKALAS CURTO: If that's the issue.

17 CHAIRMAN MAMMINA: All right, so maybe let's do that then.

18 MR. TSOUKALAS CURTO: Yeah, that's fine.

19 MR. MENHRAJANI: I just don't want any cars coming anymore
20 closer than --

21 CHAIRMAN MAMMINA: I get it.

22 MR. TSOUKALAS CURTO: Not a problem. We'll keep it as is.

23 SECRETARY WAGNER: What are you referring to? This plan
24 shows a 15-foot buffer. It shows on the plan, the site plan,
25 there's a 15-foot buffer.

26 MR. TSOUKALAS CURTO: You're talking about Parcel A. He's

1 talking about this area right here. So, this is being cut back
2 a little bit, proposed. The original survey shows how it's a
3 little bit longer, which I didn't realize.

4 CHAIRMAN MAMMINA: Oh, you know what? I missed that too.

5 MR. TSOUKALAS CURTO: In the original survey, you see that
6 this buffer area is a little bit longer. He's right. So, we
7 will keep it like this.

8 CHAIRMAN MAMMINA: Yes.

9 MR. TSOUKALAS CURTO: We won't change it.

10 CHAIRMAN MAMMINA: Yeah, and it looks like that would be
11 right.

12 MR. MENHRAJANI: And I would be opposed to any changes on B
13 as well coming any closer to my property.

14 SECRETARY WAGNER: You're making this longer?

15 MR. MENHRAJANI: No, just leaving it.

16 MR. TSOUKALAS CURTO: We're going to keep it the way it is.

17 SECRETARY WAGNER: Right, but on this plan that would mean
18 it would be longer than, right? You would have to condition --

19 MR. TSOUKALAS CURTO: Condition it on keeping it as is.

20 SECRETARY WAGNER: Yes.

21 MR. TSOUKALAS CURTO: Consistent with the survey that we
22 submitted.

23 CHAIRMAN MAMMINA: I would just let the record say that
24 there was discussion regarding the site plan.

25 TOWN ATTORNEY ALGIOS: So, let's refer to the plan and just
26 say that it's to remain -- to remain.

1 MR. TSOUKALAS CURTO: To remain, exactly. And then with
2 respect to the buffer area, we're creating a new buffer area on
3 Parcel B, which does not exist now, so that will be a benefit to
4 the neighborhood.

5 TOWN ATTORNEY ALGIOS: Are the existing trees behind his
6 house, are they staying, and you're adding to it?

7 MR. TSOUKALAS CURTO: Yes.

8 SECRETARY WAGNER: I would refer to this as a landscaped
9 area. I wouldn't refer to it as a --

10 CHAIRMAN MAMMINA: Right, it's really, it's a landscaped
11 area the way it exists.

12 SECRETARY WAGNER: Even though it acts as a buffer, I don't
13 know if I would term it buffer.

14 CHAIRMAN MAMMINA: I think it's a landscaped area, an
15 existing landscaped area to remain.

16 SECRETARY WAGNER: Island or whatever you want.

17 MR. TSOUKALAS CURTO: It's an island, and it has some trees
18 on it.

19 CHAIRMAN MAMMINA: Yeah.

20 MR. TSOUKALAS CURTO: So, we're going to maintain that.

21 CHAIRMAN MAMMINA: But then, to the rear of your property,
22 there's a 15-foot buffer that's being installed with trees and
23 things. I mean, you have a garage in that area, but.

24 SECRETARY WAGNER: It's all right, we'll --

25 MR. TSOUKALAS CURTO: I can't see. Maybe somebody else
26 can?

1 MR. MUELLER: I'll just give an approximation in two
2 seconds.

3 MR. TSOUKALAS CURTO: While Wayne is looking for that exact
4 dimension or approximate dimension, I just wanted to touch on
5 some of the other points. So, what we're -- what we're
6 proposing is not going to in any way change the character of the
7 neighborhood. As we said, the building will look exactly the
8 same. It's not a substantial variance, right? We're only
9 asking for two parking stalls, and we've established that
10 there's going to be more than sufficient parking on site. We're
11 also going to encourage tenants to now park in this Parcel B
12 parking lot, which it seems like they're not doing now because
13 it doesn't -- it's not paved -- and it is paved. It's not
14 striped rather.

15 We will not be impacting the environment. We're not going
16 to impede emergency response or school traffic or anything of
17 the sort. As we discussed, this is only going to increase
18 traffic by two cars at peak hours.

19 Again, although self-created because they bought with
20 knowledge, this is an existing building. So, the benefit to the
21 applicant far outweighs any perceived detriment to the
22 community. We ask that you grant the requested variances.

23 So, the existing island is 45 feet, and we're going to
24 maintain it as is. It was going to be cut back to 25, but we'll
25 keep it at the 45, not a problem.

26 TOWN ATTORNEY ALGIOS: And the existing trees will remain.

1 MR. TSOUKALAS CURTO: The existing trees will remain.

2 CHAIRMAN MAMMINA: And I don't think that --

3 MR. TSOUKALAS CURTO: Not a problem. We did it to create
4 better access.

5 CHAIRMAN MAMMINA: You can still navigate that without any
6 issue, I think.

7 MR. TSOUKALAS CURTO: Not a problem.

8 MEMBER HERNANDEZ: Is there anybody else?

9 CHAIRMAN MAMMINA: Andrea, are you set?

10 MR. TSOUKALAS CURTO: I am set. I'm sorry. He's just
11 showing me how he calculated.

12 SECRETARY WAGNER: Anybody else that wanted to speak?

13 CHAIRMAN MAMMINA: No, it's just these two gentlemen.

14 MR. TSOUKALAS CURTO: I don't have anything else. Thank
15 you.

16 MEMBER DONATELLI: Mr. Chairman, I think it's likely that
17 since this building is already existing, and it is merely the
18 donut is being filled in, and that the owner intends to use it
19 for his own purposes, I think it's likely that it will not have
20 a substantial impact upon the parking that's provided.

21 I am very grateful for the gentleman who came down.
22 Certainly, there are many parts of Nassau County that are
23 inundated with cars, and we try to be mindful of the neighbors
24 because, of course, as the Chairman has said, we all pay a great
25 deal of taxes. We all expect services, and we all would like to
26 park near our homes, and not be encumbered by commercial

1 properties wherever possible.

2 On the other hand, I really, as I said before, I don't
3 think that this would impact greatly on the community. I think
4 that the fact that the applicant has offered to maintain the
5 buffer as is, is certainly very helpful. I think it's going to
6 have very little impact upon the community. So, for all the
7 foregoing reasons, I make a motion that we grant the
8 application.

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

10 MEMBER GOODSSELL: I will second.

11 CHAIRMAN MAMMINA: Seconded by Member Goodsell. Please
12 poll the Board.

13 SECRETARY WAGNER: And with that condition. Did you
14 mention the condition?

15 MEMBER GOODSSELL: On condition.

16 MEMBER DONATELLI: That the applicant has now amended the
17 application verbally to maintain the island as it currently is,
18 and to install that buffer as shown on the plans.

19 MR. TSOUKALAS CURTO: No, we're just maintaining what's
20 there.

21 MEMBER DONATELLI: Maintaining.

22 MR. TSOUKALAS CURTO: Maintaining the existing island with
23 the existing trees.

24 MEMBER DONATELLI: Yes, thank you.

25 MR. TSOUKALAS CURTO: You're welcome.

26 CHAIRMAN MAMMINA: Please poll the Board.

1 SECRETARY WAGNER: Member Hernandez?

2 MEMBER HERNANDEZ: Aye.

3 SECRETARY WAGNER: Member Goodsell?

4 MEMBER GOODSSELL: Aye.

5 SECRETARY WAGNER: Member Donatelli?

6 MEMBER DONATELLI: Aye.

7 SECRETARY WAGNER: Chairman Mammina?

8 CHAIRMAN MAMMINA: Aye. The application is granted.

9 MR. TSOUKALAS CURTO: Thank you very much. Happy holidays.

10 CHAIRMAN MAMMINA: Thank you. Appreciate it.

11

12

13 SECRETARY WAGNER: Appeal #21769, 880 Willis Ave LLC

14 (Fence); 33 Albertson Avenue, Albertson; Section 9, Block 104,

15 Lot 3; Zoned: Industrial B.

16 Variances from 70-203.J and 70-215.D(1) to legalize fencing
17 with barbed wire and a vehicular entrance gate that is less than
18 18 feet from the street.

19 CHAIRMAN MAMMINA: You heard Appeal #21769, 880 Willis Ave
20 LLC (Fence). Is there anyone in the room interested in the
21 application other than the applicant?

22 (Whereupon, no response was given.)

23 CHAIRMAN MAMMINA: Seeing no one. Please give your name
24 and address.

25 MR. KOUTSOUMBIS: Good afternoon, Members of the Board. My
26 name Dean Koutsoumbis. My address is 121 Newbridge Road,

1 Hicksville, New York 11801. Before I begin, I just would like
2 to distribute a plot plan, which I highlighted.

3 SECRETARY WAGNER: This would be exhibit one.

4 MR. KOUTSOUMBIS: I am here this afternoon together with
5 Hugo Desposito, the owner of the property and the operator of AM
6 Shield, the company that's working, you know, that has their
7 facility at this location.

8 We previously appeared before this Board on September 3rd
9 of this year in connection with the development of the property
10 at 33 Albertson Avenue. At that time, we were asking for a
11 variance for the outdoor storage area, which was subsequently
12 approved. Also, in connection with the proposed building, which
13 is going to have a small office and some storage areas inside
14 the building.

15 Initially, it was understood that the 7-foot fence was a
16 permitted as-of-right. We had discussions during the initial
17 hearing; we described how the fence was going to go. The
18 architect made a sketch. I believe it was presented to this
19 Board at the time, which there was no issues or concerns at that
20 point. At a later date when applying for permits it was later
21 determined that the fence configuration would also need a
22 variance, which is why we are back here today.

23 The variances that we are requesting in relationship to the
24 fence are as follows, permission to locate a rolling gate along
25 the property line. Now, looking into the code deeper, the fence
26 itself is allowable at the property line. A rolling gate or any

1 gates would have to be set back 18 feet.

2 CHAIRMAN MAMMINA: I disagree with you there, but that's
3 okay.

4 MR. KOUTSOUMBIS: Oh, okay.

5 CHAIRMAN MAMMINA: The reason for that is so that a truck
6 has the ability to back into there. It doesn't say that you can
7 have two fences in there. Now, I could be wrong. I haven't
8 read that in a really long time because I just -- I just was of
9 the opinion that I know exactly what the intent of that was, and
10 I've seen many applications in Newcastle, New Hyde Park, Port
11 Washington, you know, for those kinds of industrial.

12 MR. KOUTSOUMBIS: I understand. But my point is whether it
13 was a rolling gate or two gates that opened, it still would
14 require -- any gate would require a variance for being at the
15 property line.

16 CHAIRMAN MAMMINA: That's correct.

17 MR. KOUTSOUMBIS: Well, that's what I understood in the
18 code. But the fence itself could remain -- if the portions of
19 the fence, which aren't the gate, that's the part that I
20 understood could remain at the property line.

21 CHAIRMAN MAMMINA: That could be a valid a point in there.
22 I know you say you're having a 24-foot gate, but then where is
23 that 18-foot setback off of Albertson Avenue?

24 MR. KOUTSOUMBIS: By setting it back 18 feet we're not --
25 first of all, our property is only 80 by 100. Losing 18 feet,
26 we would also lose parking spaces and other area in the, you

1 know, within the property, which would be usable area, and may
2 even trigger other variances, such as a parking variance if we
3 were to follow the 18 feet.

4 CHAIRMAN MAMMINA: I understand, I'm making the point for
5 the record.

6 MR. KOUTSOUMBIS: Oh, okay.

7 CHAIRMAN MAMMINA: That the 18 feet is what is a
8 requirement --

9 MR. KOUTSOUMBIS: Correct.

10 CHAIRMAN MAMMINA: -- of the zoning. That that's a fenced
11 area.

12 MR. KOUTSOUMBIS: Correct. In addition to having the
13 fencing gate at the property line, we're also asking for a
14 variance to install barbed wire above the fence.

15 The proposed fence and gate are necessary for several
16 reasons. As approved at the prior variance, a fence with
17 privacy slats was required was condition to adequately screen
18 the outdoor storage areas from public view. So, that was
19 something that we established at the prior variances was having
20 outdoor storage without screening. So, having this fence -- and
21 it will be a black fence, it's the same fence that's there
22 today, it's just going to be modified slightly to this
23 configuration -- will provide screening to the outdoor storage
24 and any equipment which may be stored on the property.

25 The fence also provides security as there will be
26 construction materials and equipment stored outdoors, which

1 otherwise would be susceptible to theft or vandalism. The
2 barbed wire is necessary as an added deterrent to any potential
3 criminal activity. The existing fence currently does include
4 barbed wire, and so does the north -- at least one other
5 property has the barbed wire and a similar fence.

6 I'd point out further south, the Civilly Building also has
7 a fence. They don't have barbed wire. Further south in that,
8 there's another property which is currently a yard for vehicle
9 storage. They're completely fenced in. They also don't have
10 the 18-foot setback. They don't have barbed wire, though. But
11 they have the fence right at the property line.

12 MEMBER GOODSELL: Is the barbed wire absolutely necessary?

13 MR. KOUTSOUMBIS: I'll let my client answer that. I'll let
14 him speak.

15 CHAIRMAN MAMMINA: As far as I'm concerned, the barbed wire
16 is an absolute, no. If you want to discuss it, you may.

17 MEMBER GOODSELL: It sends the wrong connotation. Now, I
18 have been to Yankee Stadium, where I've seen rolls of barbed
19 wire and dogs and all that stuff. But this is Albertson. I
20 would like to hear from your client.

21 MR. KOUTSOUMBIS: It does exist. I understand, and I had
22 discussions with my client regarding the barbed wire. I know
23 it's not attractive, or it's not something that we --

24 CHAIRMAN MAMMINA: It's also a safety factor.

25 MR. KOUTSOUMBIS: Sure. That may not be an exact deal
26 breaker, but I'll let him speak to the needs for that.

1 CHAIRMAN MAMMINA: And in terms of, you talked about the
2 height of the fence, I think you were fortunate that the
3 building department didn't pick up the fact that you're looking
4 for a 4-foot fence on top of the 8-foot high, places where you
5 deposit sand and cement and all of that because to me that then
6 creates a 12-foot high barrier there, but they didn't put it in
7 there, so.

8 MR. KOUTSOUMBIS: You know, part of why we need this fence
9 is the proposed building and yard will be unoccupied for much of
10 the time. Crews arrive in the morning, leave during the day,
11 and will return in the afternoon. The business is also closed
12 on Sundays. The office part of it is only there for whenever
13 they receive a delivery, and other than that, for the most part
14 during the day, the gates will remain closed. The business
15 remains closed. So, it will be an un, you know, unsupervised or
16 unoccupied building other than when the crews are there. So,
17 the fence is definitely necessary for that.

18 My client -- and the other point, I'd like to point out, he
19 did mention to me that there was a break-in at one point, and he
20 can further describe that and other needs for the fence and for
21 the barbed wire, and I understand if that's a definite no.

22 MEMBER HERNANDEZ: You mentioned that, and I remember this
23 case you were here in front of us before. Why are you back?

24 MR. KOUTSOUMBIS: I'm back because, at the time, we were
25 under the assumption that a 7-foot fence is a permitted
26 as-of-right. After the variance, they determined that we needed

1 additional variances for the fencing. That's why we're here.

2 MEMBER HERNANDEZ: A 7-foot fence is not as-of-right. You
3 may have needed a variance from us to be able to do it, but are
4 they sending you back now because of the gate?

5 SECRETARY WAGNER: That's part of it. The fence would have
6 been permitted, and that's what he's been explaining is that a
7 fence can be -- you can put a fence on the property line, but
8 they have vehicular entrance gates, which have to be set back 18
9 feet.

10 MEMBER HERNANDEZ: But he had them the last time I
11 remember.

12 SECRETARY WAGNER: The Board -- right, but it wasn't on the
13 plan. So, the building department didn't approve it because it
14 wasn't on the plan at the time. So, during the last hearing, we
15 had asked them, do you intend to keep these? And he said yes.
16 And we said, well, now, you have to show them on the plan.

17 MR. KOUTSOUMBIS: Correct. You're spot on with everything,
18 and I appreciate it.

19 SECRETARY WAGNER: They showed them on the plan, the
20 building department said, well, they said, we didn't cite it
21 before because it wasn't on the original plan.

22 MEMBER HERNANDEZ: So, there were fences on the sides, but
23 the middle was open in the plan?

24 SECRETARY WAGNER: No, the gate was always there. It
25 wasn't on the plan. The plan wasn't shown on the proposed plan
26 at the time.

1 MEMBER HERNANDEZ: So, the proposed plan showed.

2 SECRETARY WAGNER: So, now, in order to legalize those
3 gates, they need variances.

4 MEMBER HERNANDEZ: For the gate --

5 SECRETARY WAGNER: In addition to the fact that the Board
6 at the time asked the applicant are you planning on keeping this
7 fence and gates and they said, yes. And so, because it was
8 something that the Board felt that it would aid in screening
9 that area, we made it a condition. So, it wasn't a matter --
10 they couldn't even just say, oh, okay, we'll do that later.
11 Now, since it was a condition, they have to comply with that
12 condition.

13 MR. KOUTSOUMBIS: Correct, and I really appreciate you
14 explaining that because -- yeah, we can't -- like we can't have
15 outdoor storage without the fence.

16 MEMBER HERNANDEZ: I looked at this, and was like, we saw
17 this already.

18 SECRETARY WAGNER: You did. You did see it, but it was not
19 on the plan that the building department saw, so they didn't
20 cite it at the time. Now that it's on the plan, they are
21 required to bring it. And for the fence, because I don't think
22 the fence ever had a permit, either, correct?

23 MR. KOUTSOUMBIS: It never had a permit.

24 SECRETARY WAGNER: When I spoke to the building, we looked
25 back and discovered that the fence never had a permit.

26 MEMBER HERNANDEZ: Did we approve anything?

1 SECRETARY WAGNER: You didn't.

2 MEMBER DONATELLI: We approved the stalls.

3 SECRETARY WAGNER: You conditioned the prior appeal on
4 requiring the fence.

5 MR. KOUTSOUMBIS: Correct.

6 SECRETARY WAGNER: So, in other words, if they put the
7 fence in, it triggers the need for a variance. Well, the fence
8 does not trigger the need for the variance, but the gates do.

9 CHAIRMAN MAMMINA: I will say that --

10 SECRETARY WAGNER: So, they can have -- they either have a
11 fence with opening gates.

12 CHAIRMAN MAMMINA: Not saying the way that we'll vote, but
13 as the point you made, on yards that are this small, you know,
14 to have 18 feet come back into that and encumber it, we have
15 granted variances to not have that in there. Plus, you've got
16 your parking where -- you know, is good. So, I'm not saying the
17 way the Board's decision will ultimately be, but the building
18 department is correct. But that's what we're for, is to do the
19 balancing test.

20 MEMBER DONATELLI: Did you want to have your client testify
21 as to the barbed wire?

22 MR. KOUTSOUMBIS: Absolutely.

23 MR. DESPOSITO: Good afternoon, everyone.

24 CHAIRMAN MAMMINA: Good afternoon. Name and address, too.

25 MR. DESPOSITO: Hugo Desposito, 19 Clinton Lane, Jericho,
26 New York. You mentioned that it is Albertson, and it is barbed

1 wire. It's not the Bronx, and it's not a deal breaker not to
2 have the barbed wire. I had been broken in three times, and all
3 of our tools have been stolen on occasions.

4 MEMBER GOODSSELL: Is there any indication how they get in?

5 SECRETARY WAGNER: Through the railroad. Railroad side of
6 the property. That's why the 4-foot fence is on top of that
7 wall. Technically, if you go on the railroad side, half of that
8 wall is buried. So, it's a retaining wall of sorts.

9 CHAIRMAN MAMMINA: It's a retaining wall.

10 MR. DESPOSITO: But the barbed wire is not a deal breaker.
11 I have no problem removing it with this alteration.

12 MEMBER GOODSSELL: That I appreciate because it is such a
13 residential neighborhood.

14 MR. DESPOSITO: I get it.

15 MEMBER GOODSSELL: I completely understand why you want to
16 have safety and security, and I'm sorry that it's --

17 MR. DESPOSITO: No, no, no.

18 MEMBER GOODSSELL: -- been broken into.

19 MR. DESPOSITO: Listen, barbed wire was there 20 years ago
20 when I first rented the property.

21 MEMBER GOODSSELL: It was there when I looked at it two days
22 ago. It's still there.

23 MR. DESPOSITO: Yeah, but I did put barbed wire up because
24 it was there, and I was just replacing it.

25 MEMBER GOODSSELL: Just to me, it just sends the wrong
26 message to a residential neighborhood. So, I mean, I'm not

1 saying put flowers up for heaven's sake, but because that's
2 impractical.

3 MR. DESPOSITO: I get it. I get it. Nowadays, we have
4 Ring cameras, and they alert anybody that walks in the property
5 when they're there.

6 MEMBER GOODSSELL: Let me ask you something then. The
7 fence, including the barbed wire is 7 feet. Is it a 6-foot
8 fence with a foot?

9 MR. DESPOSITO: No, 7-foot, and then the barbed wire.

10 MEMBER GOODSSELL: On top.

11 MR. DESPOSITO: Yeah.

12 MEMBER GOODSSELL: Do we count that in the footage? Do we
13 count posts?

14 CHAIRMAN MAMMINA: Whatever they -- whatever they say.

15 MEMBER GOODSSELL: Okay. I don't have any objection to the
16 fence and the gate or anything.

17 MR. DESPOSITO: We do not. We have the posts up. We
18 haven't put the barbed wire up, but I guess we're not going to
19 be doing that.

20 CHAIRMAN MAMMINA: Discussing is that maybe along the Long
21 Island Railroad, we let them have the barbed wire.

22 MEMBER HERNANDEZ: Yeah, I have no problem with barbed wire
23 on the railroad side.

24 MEMBER GOODSSELL: Yeah, I don't either. I don't either.

25 MEMBER HERNANDEZ: It's far from the neighbors that they
26 won't even see it.

1 MEMBER GOODSSELL: In fact, it's only going to take 15
2 minutes before somebody graffiti's the back.

3 MR. DESPOSITO: It's only the front that currently has the
4 barbed wire. Of course, the south side of the property is going
5 to be the building. There will be no fence.

6 MEMBER DONATELLI: So, you mentioned that the break-in that
7 you had was from the Long Island Railroad.

8 MR. DESPOSITO: Three break-ins, yeah, from the Long Island
9 Railroad because it was easy to jump over the wall.

10 MEMBER DONATELLI: Would it help you to have barbed wire
11 along that portion of the fence that fronts the Long Island
12 Railroad property?

13 MR. DESPOSITO: It would, yes, yes. That's extra security.

14 MEMBER HERNANDEZ: I don't have a problem with it.

15 MEMBER GOODSSELL: I have no problem with it either.

16 SECRETARY WAGNER: That would be a condition that it would
17 only be --

18 MEMBER HERNANDEZ: The one facing the neighbors across the
19 street. That it kind of looks bad. A nice fence. Nice slats.

20 MR. DESPOSITO: I get it.

21 MEMBER HERNANDEZ: So, they can't see the lot itself.

22 MR. DESPOSITO: Yes.

23 MEMBER HERNANDEZ: And then you put barbed wire on top it
24 kind of looks.

25 MEMBER DONATELLI: If there's no other questions or
26 comments, Mr. Chairman, I make a motion that we grant the

1 application on condition that there be no barbed wire along any
2 portion of the fence other than the rear of the property on the
3 land that abuts the Long Island Railroad, and that we grant the
4 variance as to the setback for the gate, and that's my motion.

5 MR. DESPOSITO: Thank you, folks.

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

7 MEMBER DONATELLI: Second.

8 CHAIRMAN MAMMINA: We have a motion by Member Donatelli.
9 Seconded by Member Hernandez. Please poll the Board.

10 SECRETARY WAGNER: Member Goodsell?

11 MEMBER GOODSELL: Aye.

12 SECRETARY WAGNER: Member Donatelli?

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Member Hernandez?

15 MEMBER HERNANDEZ: Aye.

16 SECRETARY WAGNER: Chairman Mammina?

17 CHAIRMAN MAMMINA: Aye. The application is granted as
18 modified, I guess, we can say --

19 MEMBER GOODSELL: With the conditions.

20 CHAIRMAN MAMMINA: With conditions, thank you.

21 MR. DESPOSITO: Thank you.

22 MEMBER DONATELLI: Good luck to you.

23

24

25 SECRETARY WAGNER: Appeal #21771, Scotto Brothers; 440 Old
26 Country Road, Carle Place; Section 10, Block 288, Lot 48; Zoned:

1 Business A.

2 Variances from 70-196(J)(2)(a) and 70-196(J)(2)(b) to
3 construct a second ground sign (only one is permitted per
4 property) that would be too tall (in height as measured from the
5 ground) and too large. CHAIRMAN MAMMINA: You've heard Appeal
6 #21771, Scotto Brothers. Is there anyone in the room interested
7 in the application other than the applicant?

8 (Whereupon, no response was given.)

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

11 MR. SAHN: Good afternoon, Chairman, Members of the Board.
12 Michael Sahn, Sahn Ward Braff Coschignano, 333 Earle Ovington
13 Boulevard, Uniondale, New York. I am joined this afternoon in
14 the hearing room by Dennis Flynn, the architect for this
15 shopping center project. I believe Mr. Flynn is known to the
16 Board. He is with Rosenbaum Design Group. He has not only done
17 the architecture for the redeveloped shopping center that's
18 previously been before the Board, but he has designed the sign
19 that we are requesting today.

20 As indicated in the legal notice, this is an application
21 for variances of Section 70-196(J)(2)(a) and 70-196(J)(2)(b) of
22 the code to construct a directory sign at the shopping center at
23 440 Old Country Road in Carle Place. The center is being
24 renamed the Chateau Plaza, which previously, of course, was the
25 home of the Chateau.

26 CHAIRMAN MAMMINA: I wonder where that came from.

1 MR. SAHN: You will see a design on the Board before you.
2 The property is Section 10, Block 288, Lot 48. It is in a
3 Business A district. It's a large parcel having 5.55 acres in
4 area and a frontage of 4,950 feet along Old Country Road. The
5 Board is, of course, familiar with the area. It is commercial
6 and business uses along Old Country Road. There is residential
7 to the rear of the shopping center, and also, along the westerly
8 side.

9 The Town of Hempstead is located on the south side of Old
10 Country Road, and that stretch of Old Country Road in the Town
11 of Hempstead is dominated by large retail centers, including the
12 Gallery Center, which we will discuss with respect to a sign in
13 that shopping center. As I mentioned, and the Board knows, the
14 Board granted prior variance approvals to redevelop the shopping
15 center, which will include the existing DSW Shoe Warehouse
16 building, a new freestanding bank, a building at the rear with
17 22,000 square feet approximately for retail and/or restaurant
18 space, and a freestanding Raising Cane's restaurant on the
19 easterly side.

20 The new building, which will have various tenants that will
21 be hopefully advertised and identified on the directory sign is
22 approximately 310 feet from Old Country Road. So, there's a
23 very long distance between the roadway and the new building at
24 the rear.

25 For the record, I have some aerial photos that I would like
26 to submit to the Board showing the location of the shopping

1 center. Again, I know the Board is familiar with it, but I'd
2 like to make some remarks about this aerial photo if I could.

3 SECRETARY WAGNER: Thank you.

4 MR. SAHN: An interesting point about this shopping center
5 is that if you took an aerial viewpoint and looked at the map
6 running west to east from Meadowbrook Parkway to Post Avenue, by
7 my review, this is the largest single shopping center on that
8 whole stretch of Old Country Road. There is a property
9 immediately to the east, as you know, which is the Holiday Inn,
10 and then there's another property east of that has several
11 buildings, but that's not a shopping center. Those buildings
12 are occupied primarily, for my review, by medical uses, and
13 there's a very short space in the front of the building. So,
14 those two buildings appear like strip shopping centers, not as a
15 shopping center.

16 The next largest shopping center along the stretch of Old
17 Country Road in the town is almost next to or near the Wantagh
18 State Parkway, and that's where the former shopping building was
19 for a variety of uses, which is now under redevelopment. There
20 are also automobile dealerships there. But this is unique in
21 terms of Old Country Road in this stretch, and that's one of the
22 reasons we are proposing the directory sign that is before the
23 Board today.

24 Some details, if I may, about the sign, before I call Mr.
25 Flynn. The sign will have internally illuminated lettering and
26 panels. It is, we believe, and suggest appropriately sized for

1 this property of 5.5 acres. It has a height of 27 feet 6 inches
2 from the ground to the very top of the structure, and is 14 feet
3 wide in terms of the entire width of the sign. The sign boxes,
4 just the sign boxes, total 232 square feet. The total square
5 footage within this directory sign of the boxes and the areas
6 between the boxes is 269 square feet.

7 The building department disapproval called the sign
8 approximately 300 square feet, but I believe that when the
9 building department made that calculation, it was also including
10 the area of the structure, and in particular, as you see the
11 sign, the structural element on the left. But again, the
12 signage alone within this structure is 232 square feet.

13 At the same time, as shown on the plan, we are proposing to
14 maintain the existing DSW sign, which is at the westerly side of
15 the frontage of the shopping center. That sign has been in
16 place for many years with the approval of the Board. We propose
17 to shift it slightly, a foot or two west to accommodate the
18 driveway pattern, which is ingress only for a motorist who is
19 heading from east to west, and egress only to the west. That
20 sign would serve a good function in its present place, and as it
21 is proposed to remain because it would let a motorist that
22 perhaps misses the entrance to the shopping center to know that
23 there's another way in to get to the DSW Shoe Warehouse without
24 having to travel a great deal of distance westerly and then turn
25 around.

26 With those remarks, I'd like to call Mr. Flynn. I will

1 indicate --

2 MEMBER HERNANDEZ: Before you do that.

3 MR. SAHN: Yes.

4 MEMBER HERNANDEZ: I'm having a real hard time identifying
5 on the plan where that sign is going to go, and where the new
6 one and where the -- existing one is moving to.

7 SECRETARY WAGNER: It's hard to tell.

8 MR. SAHN: Oh, let me, please. We have -- I should have
9 mentioned that. Mr. Flynn, would you give your name and
10 address?

11 MR. FLYNN: Sure. Dennis Flynn, Rosenbaum Design Group,
12 2001 Marcus Avenue, Lake Success 11742. So, on the site plan,
13 the main entry is here, signalized entry. The new pylon is
14 here. Ground sign is right here at that entrance. All the way
15 at the extreme west end is the DSW sign.

16 MEMBER HERNANDEZ: So, past the proposed bank building.

17 MR. FLYNN: Past the proposed bank building, correct.

18 MEMBER HERNANDEZ: Where you have the entry and exit right
19 only, you're going to have a little sign. That sign there
20 for --

21 MR. FLYNN: That's currently there. So, that's a
22 channelized entry, right in, right out only.

23 CHAIRMAN MAMMINA: Is it askew?

24 TOWN ATTORNEY ALGIOS: This sign right here.

25 MEMBER HERNANDEZ: Yeah, I know, but the problem is not
26 that sign. I can see that sign fine, and believe me, I go to

1 Costco all the time, so I know those signs very well.

2 My concern is that now you're going to have a building in
3 front of it, a bank building with its own signs. You're going
4 to have a driveway past it and another big sign for DSW right
5 there. So, you're going to have two more signs, right? Because
6 the bank's got to have signs on it.

7 MR. FLYNN: Well, the bank will have signs on it.

8 CHAIRMAN MAMMINA: Also, the pylon is going to have a sign
9 at the top of that as well.

10 MR. FLYNN: Yes, the proposed ground sign.

11 CHAIRMAN MAMMINA: Right.

12 SECRETARY WAGNER: That's it. That's the problem.

13 MEMBER HERNANDEZ: Why isn't DSW part of that pylon sign?

14 MR. FLYNN: It is.

15 SECRETARY WAGNER: It is.

16 MR. FLYNN: So, this is what's proposed on the sign, the
17 name of the shopping center, the larger tenants.

18 SECRETARY WAGNER: They're just keeping --

19 MEMBER HERNANDEZ: No, they're moving it. They're not
20 keeping it. They're moving it. It isn't that we're trying to
21 save a nickel by not taking it down. They talk about moving it.

22 SECRETARY WAGNER: No, you're keeping the existing.

23 MR. SAHN: We're keeping the existing DSW sign.

24 MEMBER HERNANDEZ: I thought you said that you were moving
25 it?

26 MR. SAHN: Approximately, one foot.

1 MEMBER HERNANDEZ: Whether it's a foot or 100 feet is
2 irrelevant. You're moving it. You still have to pay to lift
3 it, build a new foundation, and reset it again, so the cost is
4 exactly the same whether it's a foot or 100 feet.

5 MR. SAHN: I don't know if I can speak to the cost, but the
6 idea is --

7 MEMBER HERNANDEZ: I can.

8 MR. SAHN: It was approved previously, and it does serve a
9 good function and has served the function.

10 MEMBER HERNANDEZ: I'm just questioning now what's the need
11 to have another sign all the way at the extreme end behind a
12 bank building, when you have a -- you didn't have that main
13 entrance before to DSW. When it was the Chateau, it was a
14 separate entrance. It wasn't connected. So, it made sense to
15 have two separate -- to have the sign, but if you have one main
16 entrance now for the whole shopping center, which is
17 interconnected, I'm questioning what is the value of having a
18 second pylon sign that is only accessible from the westbound
19 lane at the extreme end of the entrance.

20 MR. SAHN: Well, this was included in the site plan
21 approval. There was a sign there, and the reason we proposed
22 it, to keep that, is because if a vehicle does not turn in at
23 the main entrance, this would allow the ingress into the center
24 at this location without having to turn around. That was
25 actually, as I recall, part of the site plan that we had filed
26 at the time. We're not seeking a new variance. The building

1 department did not indicate we need a new variance for that
2 sign.

3 MEMBER HERNANDEZ: But you are adding a second sign. What
4 I am questioning is should you have a second sign. If you have
5 DSW on that sign, why should we give you a second sign and not
6 say, you can have that one, but you got to take down the other
7 one.

8 MR. SAHN: The second sign -- and actually, there is a
9 variance, which we included in part of our materials. The
10 variance for that original second DSW sign.

11 MEMBER HERNANDEZ: The second pylon or the pylon?

12 MR. SAHN: The pylon on the westerly end.

13 MEMBER HERNANDEZ: Correct.

14 MR. SAHN: There was a variance as a second sign for this
15 property.

16 MEMBER HERNANDEZ: Because you already had the DSW sign.

17 MR. SAHN: There was already a sign at the entrance that
18 was a different kind of sign on the wall for Chateau Briand, et
19 cetera. There was a wall. There were two walls coming in, as
20 you recall.

21 MEMBER HERNANDEZ: Which were not interconnected. They
22 were treated as two separate entrances.

23 MR. SAHN: Well, the thought process -- well, I should say,
24 at that time, as I remember it, you could enter the -- what was
25 then the Chateau Briand, as it was configured, and circle around
26 to DSW.

1 MEMBER GOODSSELL: Yeah, there was a -- and there probably
2 still is, although not used, a break in the wall and a bit of an
3 incline connecting the two properties.

4 MR. SAHN: You could come in what was between the walls
5 then and go left to the DSW. You didn't have to go to the
6 Chateau and circle around the back. So, at the time --

7 MEMBER HERNANDEZ: But the Chateau Briand sign did not have
8 DSW on it. They were treated as two different entrances.

9 MR. SAHN: Well, they were.

10 MEMBER HERNANDEZ: The wall sign said Chateau Briand on it.
11 Nothing else. I remember it distinctly. So, you have two
12 different signs. You had the Chateau Briand sign, and then you
13 had the DSW sign. Whether or not they were commingled in the
14 back, the parking lots, there were two distinct entrances. What
15 you are now proposing is one large, very, very large, pylon sign
16 that has all 14 businesses.

17 MR. SAHN: Correct.

18 MEMBER HERNANDEZ: And a second one just for DSW at the
19 extreme western end of the parking lot.

20 MR. SAHN: The reason -- yes, you're absolutely correct.
21 The reason being is that this westerly curb cut entrance,
22 ingress and egress, was designed to allow a second means into
23 the shopping center for motorists who may miss the first and --

24 MEMBER HERNANDEZ: Why is it only DSW on that? Why isn't
25 it the whole pylon sign repeated?

26 MR. SAHN: Because the primary purpose of this entrance

1 would be to have access to the parking areas adjacent to DSW.

2 MEMBER HERNANDEZ: And the very first business that you
3 show on your pylon sign is DSW.

4 MR. SAHN: Correct.

5 MEMBER HERNANDEZ: As your flagship.

6 MR. SAHN: Correct. Yet, it is still possible, and in
7 fact, I think the designers thought likely that if there was a
8 motorist that didn't turn in at this location, or there's also
9 traffic as you know that comes to the intersection with Old
10 Country Road when that traffic is heading south to north. So,
11 it would be coming from Zeckendorf Boulevard northerly, you
12 don't see a sign. You don't see any sign when you reach that
13 intersection. If that vehicle makes a left turn to head west
14 onto Old Country Road, then the vehicle would have the ability
15 to see the sign identifying the entrance to DSW and turn in from
16 Old Country Road.

17 MEMBER HERNANDEZ: I go back to my exact same comment.
18 Again, you're absolutely right because I missed the first sign
19 in the primary entrance. Why are you isolating DSW? Why aren't
20 you calling out everybody else in the shopping center?

21 MR. SAHN: Because DSW is the main primary tenant of the
22 shopping center.

23 MEMBER HERNANDEZ: I don't see the need for it personally,
24 as one Board Member. Now, you're going to have a bank in that
25 corner, and I can now see if I'm the bank, I'm going to say,
26 wait a minute, there's a pylon sign that has my name on it, but

1 I also have a driveway just past me. What if the person misses
2 the bank entrance back there? I want a sign here, too, pointing
3 that they can enter here as well.

4 MR. SAHN: Well, I can commit --

5 MEMBER HERNANDEZ: And I don't want to see you come back
6 here and ask for that sign.

7 MR. SAHN: Good point. I can commit that the bank will not
8 ask for a pylon sign at that location. Mr. Flynn has been
9 heavily involved, as I have, in the design of the site, and
10 there is no intention. Mr. Flynn, am I correct?

11 MEMBER HERNANDEZ: I don't know how you guys feel, but I
12 don't see the need.

13 MR. FLYNN: I would say that the reason it's there is
14 because it's an existing sign.

15 MEMBER HERNANDEZ: But it's not. You're moving it. If you
16 were telling me that you were leaving it in exactly the same
17 place, and therefore you're going to save X number of dollars by
18 not having to move it, I would say you know what, okay, just
19 leave it. I'm not going to make you spend more money than you
20 need to do business in the town, but you're moving it. You're
21 moving it.

22 MR. SAHN: There's a small note that I've highlighted here,
23 and we did not -- the owner did not intend to move it. The note
24 and I can hand this up, reads --

25 MEMBER HERNANDEZ: I can read it all. All site --

26 MR. SAHN: Existing sign to be relocated to accommodate

1 drive aisle in accordance with Nassau County DPW requirements.

2 MEMBER HERNANDEZ: We don't have that one in our plan.

3 MR. SAHN: So, in other words, there was never an intention
4 to move it, but the County when it approved the configuration of
5 this ingress only, egress only driveway at the westerly side,
6 said to the owner, you must move it slightly, and since they're
7 doing work on this drive aisle anyway, it's not a difficult or
8 different expense.

9 MEMBER DONATELLI: When you say it will be moved, in which
10 direction?

11 MR. SAHN: Westerly.

12 MEMBER DONATELLI: Further toward the edge of the property?

13 MEMBER HERNANDEZ: Yes.

14 MR. SAHN: Yes.

15 MEMBER DONATELLI: Western edge.

16 MR. SAHN: But was still within the allowed setbacks.

17 MEMBER DONATELLI: Right.

18 MR. SAHN: So, we're talking about -- Mr. Flynn, if you
19 have an idea is the -- is the differential maybe a foot? A
20 couple feet?

21 MR. FLYNN: It's two feet.

22 MR. SAHN: So, 24 inches. That's what it is. The geometry
23 of these entrances and exits was all dictated by both the town
24 and the County.

25 MEMBER HERNANDEZ: Of course.

26 MR. SAHN: So, the idea here is that sign is still valuable

1 because it would catch traffic, identify traffic going east to
2 west, and traffic that has turned from Zeckendorf Boulevard to
3 go west.

4 Should I introduce Mr. Flynn, or should we wait for the
5 Chairman to return?

6 MEMBER HERNANDEZ: I don't know what he went for.

7 MR. SAHN: Perhaps, we'll wait a minute or two.

8 MEMBER HERNANDEZ: Yeah, give a couple of minutes.

9 MR. SAHN: Yes, thank you.

10 (At this time, there was a pause in the proceeding.)

11 MEMBER DONATELLI: So, we've been discussing, and again,
12 we're five Board members -- well, four Board members today. But
13 we have the benefit of four brains, sometimes. Sometimes, our
14 perspectives differ slightly. My own perspective is that I am
15 not particularly troubled by the DSW sign that is on the western
16 side of the property. I understand it will be moved slightly.
17 I am not troubled by the fact that sign is apparently maybe
18 considered redundant. I think that Old Country Road is a road
19 that cars tend to travel on rather quickly because it is a main
20 thoroughfare, and it is conceivable that a car might want to
21 pass by accident, and may want to double back, and that might be
22 a convenient way for them to do so without endangering life or
23 limb.

24 What I am a little bit more troubled by is the 30-foot
25 height -- 27-foot-6-inch size of the directory sign. Can you
26 address the need for that size for that height?

1 MR. SAHN: That will be Mr. Flynn, and with your
2 permission, I'll ask him.

3 CHAIRMAN MAMMINA: Sure.

4 MR. SAHN: Thank you.

5 MR. FLYNN: Mr. Sahn covered a lot of the things that I was
6 going to talk about. But to that particular item, the existing
7 DSW building that's on the site is about 38 feet high. The
8 retail building, which is set considerably back off the property
9 line is 25 feet. The facade will be 25 feet high. So, the sign
10 that's being proposed is well below what the DSW is already from
11 a point of context, and is approximately the height -- it's
12 slightly taller than the retail building that's being proposed.
13 So, what we were tasked with for the design of the sign is to
14 provide something that was complementary to the shopping center,
15 but also provided visibility to cars entering to make sure
16 people saw the sign, identified the tenants, and were able to
17 turn in safely off of the road. So, that's how we established
18 the sizes that are here. And again, it's considerably lower
19 than the DSW building that's already there.

20 MEMBER DONATELLI: But the DSW building sign is on the
21 building that is recessed. This is literally at the southern
22 edge of the property. So, my question is, does it need to be 27
23 feet high. Can it be less than that?

24 I understand many retailers come here and want to ask for
25 the maximum size sign that they can get because if you put neon
26 lights and klieg lights and all sorts of things that the thought

1 is to draw people to the site to make it visible, to make it
2 obvious, but we are always mindful of precedent that we set up.
3 We do have a great many applications that come before us on
4 properties on Old Country Road. So, that we're mindful that
5 anything -- any decision that we might make here might set
6 precedent for another property owner.

7 So, I guess my question is, is the 27-foot-6-inch sign the
8 minimum that the applicant requires?

9 CHAIRMAN MAMMINA: If I may just add on to that? You know,
10 what Mr. Sahn had said, and I recognize he has a job to do, and
11 I would've said the same thing. The fact that the Town of
12 Hempstead is across the street, you know, to me, I might as well
13 be, you know, in Disney, you know, at whatever the main roads
14 are where there are just these signs all over the place. I
15 can't really accept that. Well, that's what's going on across
16 the street. It's a different municipality, and we do have a lot
17 of signs that come in that will point to the fact that, well,
18 look at what's across the street. I'm sure all of you know
19 well, precedent is part of what we do. It's not -- it's not a
20 criticism in any way. It's us doing our job. It is very high,
21 and if I'm not mistaken, what used to be called the Toys R Us
22 shopping center, which now has an LA Fitness in it and/or
23 whatever. I believe they have it as a double, side by sides of
24 the various tenants that are in there in order to bring it down,
25 you know, in its height.

26 Because I'm sitting here a long time on this Board, and I

1 could be wrong, but I don't think we've ever approved a 27-foot
2 sign in the town.

3 MR. SAHN: We did some research. I am not exactly sure.
4 I'll have to look back at some of the research we did on other
5 signs. I fully understand the comments about it. I would ask
6 if I could speak to Mr. Flynn for a couple of minutes off the
7 record.

8 CHAIRMAN MAMMINA: Sure.

9 MEMBER GOODSELL: One of the comparisons that you might
10 have done, now, I understand directly across the street is the
11 Town of Hempstead. The town, which we do not listen to because
12 we are the town of North Hempstead.

13 MR. SAHN: Correct.

14 MEMBER GOODSELL: Directly across the street from the
15 Chateau Plaza is a Best Buy and a Staples, and they have a huge
16 sign right on Old Country Road. Do you know how tall that is?
17 Did you by any chance look at that?

18 MR. SAHN: We did look.

19 MEMBER GOODSELL: I know it's a different town, but it's
20 directly across the street, and it's huge.

21 MR. FLYNN: We looked at the one at the Gallery.

22 MEMBER GOODSELL: Okay.

23 MR. FLYNN: While we did not measure it with a tape
24 measure, we did estimate it about 30 feet high and wider than
25 our sign.

26 MEMBER GOODSELL: Okay. That's across the street. That's

1 the Gallery shopping center.

2 MR. FLYNN: Right.

3 MR. SAHN: Going by my notes, we -- I think Mr. Flynn, you
4 estimated that at slightly over 500 square feet.

5 MR. FLYNN: Yes.

6 MR. SAHN: We didn't get the records from Hempstead.

7 CHAIRMAN MAMMINA: Sure.

8 MEMBER GOODSELL: Okay.

9 CHAIRMAN MAMMINA: I understand that.

10 MEMBER GOODSELL: I'm just looking at that sign visually
11 now, and it's a big sign.

12 MR. SAHN: Yeah. Let me, if I could, take a moment off the
13 record with Mr. Flynn.

14 CHAIRMAN MAMMINA: Sure, please.

15 (At this time, there was a pause in the proceeding.)

16 MR. SAHN: Mr. Chairman and Members of the Board, if we can
17 go back on the record.

18 CHAIRMAN MAMMINA: Sure.

19 MR. SAHN: Having heard your comments. If you will allow
20 this application to be continued until January 7th. It would
21 give us the opportunity to speak to the client to determine
22 whether or not it's feasible and appropriate to address your
23 comments by submitting a revised sign diagram addressing the
24 height.

25 CHAIRMAN MAMMINA: Great.

26 MR. SAHN: We can't commit to that today as you would

1 understand because Mr. Scotto is not here, and we're reluctant
2 to do that. But we can certainly explain the Board's comments,
3 and we'd appreciate the opportunity. If, in the event we can,
4 would we need to appear again, or just simply submit --

5 CHAIRMAN MAMMINA: Submit.

6 MR. SAHN: -- a revision for the record, so to speak, for
7 the Board to consider.

8 CHAIRMAN MAMMINA: I say it's good that Mr. Scotto's not
9 here, and I mean that seriously, only because I wouldn't want
10 him to feel pressured into, you know, some kind of a decision.

11 MR. SAHN: I agree with that.

12 CHAIRMAN MAMMINA: That wouldn't be good. He's quite a
13 gentleman for sure.

14 MR. SAHN: And as you know, he's always been very open to
15 changes to the plan, as we did with the original site plan and
16 the variances. We would appreciate that. I do believe, just
17 for whatever it's worth, the sign at the large shopping center
18 near Wantagh State Parkway is approximately 27 feet tall, but
19 that -- we understand. Every property is different and --

20 MEMBER HERNANDEZ: I also don't know if that one is
21 actually North Hempstead. Some of those signs along the way are
22 like within villages and not within North Hempstead. The Burger
23 King sign that's down the block from there it's also massive.

24 CHAIRMAN MAMMINA: Yeah, but that shopping center is --

25 MEMBER HERNANDEZ: That's not North Hempstead.

26 CHAIRMAN MAMMINA: -- in North Hempstead.

1 MR. SAHN: It is North Hempstead.

2 CHAIRMAN MAMMINA: That's North Hempstead. And also take a
3 look at what I always refer to as the Toys R Us shopping center,
4 which it still shows on there.

5 TOWN ATTORNEY ALGIOS: Across from Roosevelt Field.

6 MR. SAHN: We did, and we did submit a list of various
7 ones. Some are -- they vary, depending on the location, the
8 proximity to the road, the size of the property. Some are 27.
9 Some are 29. What I thought again was unique about this
10 property is there's so many large shopping centers on the Glen
11 Cove Road corridor, and upon looking and doing some research, I
12 recall having presented a number of them to the Board
13 previously, but here on this stretch, this now turning into a
14 shopping center is the only one that really exists. So, there's
15 no other shopping centers again between the Parkway and Post
16 Avenue. It's a unique.

17 CHAIRMAN MAMMINA: I will also say that in the world of
18 Amazon, and whatever, retail, you know, is a different kind of
19 business now. If those people are there for shopping rather
20 than, you know, perusing on their laptop or computer, you know,
21 we certainly like to see everybody be successful in their
22 business ventures. So, let's see.

23 MR. SAHN: Well, thank you.

24 MEMBER DONATELLI: One more question.

25 MR. SAHN: Please.

26 MEMBER DONATELLI: Can you please just describe for us

1 whether the sign will be illuminated and what hours it will be
2 illuminated?

3 MR. SAHN: Mr. Flynn.

4 MR. FLYNN: So, the sign, the boxes where the actual signs
5 are internally illuminated.

6 MEMBER DONATELLI: Internally illuminated.

7 MR. FLYNN: Internally illuminated, and then the signs will
8 be lenses inserted into the sign that it may be tenant artwork.
9 It may be different lettering. We don't know that yet, but they
10 are internally illuminated. The support structure is not
11 illuminated.

12 MEMBER DONATELLI: As we've already noted, this is Old
13 Country Road. There are no residences in the immediate
14 vicinity.

15 CHAIRMAN MAMMINA: Anywhere or anywhere around it.

16 MR. SAHN: So, if the Board will allow a continuation to
17 submit a revised plan.

18 CHAIRMAN MAMMINA: Yes, we would prefer that as well in
19 order to give it the opportunity to find where it, you know,
20 where it belongs, or maybe that is what belongs. That's the
21 best thing for everyone.

22 MR. SAHN: We appreciate it.

23 CHAIRMAN MAMMINA: Okay, thank you. Good to see you.

24 MR. SAHN: Off the record.

25 MEMBER GOODSSELL: Off the record for a second.

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

1 SECRETARY WAGNER: Let's do SEQRA.

2 MEMBER DONATELLI: I make a motion that we adopt SEQRA.

3 MEMBER GOODSSELL: And I will second.

4 CHAIRMAN MAMMINA: Motion, Member Donatelli. Second,
5 Member Goodsell.

6 SECRETARY WAGNER: All in favor?

7 ALL BOARD MEMBERS: Aye.

8 (Whereupon, the Proceedings concluded at 3:50 P.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

I, Mariesel Berrios, a Shorthand (Stenotype) Reporter and Notary Public, do hereby certify that the foregoing Proceedings, taken at this time and place aforesaid, is a true and correct transcription of my shorthand notes.

I further certify that I am neither counsel for nor related to any party to said action, nor in any wise interested in the result or outcome thereof.

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

Mariesel Berrios

MARIESEL BERRIOS