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TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
VIRTUAL ZOOM PUBLIC HEARING

Wednesday, February 9, 2022
10:04 A.M.

BOARD MEMBERS PRESENT:

- DAVID L. MAMMINA, A.I.A. - Chairman
- LESLIE FRANCIS, ESQ. Vice Chairman
- PATRICIA GOODSSELL, ESQ. Member
- DANIEL DONATELLI, ESQ. Member
- JAY HERNANDEZ - Member

ALSO PRESENT:

- DEBORAH ALGIOS, ESQ. - Deputy Town Attorney
- VIRGINIA WAGNER - Secretary
- MADELINE TAVANI - Stenographer

2 CHAIR MAMMINA: Good morning, ladies and
3 gentlemen. Welcome to the Zoning Board of Appeals,
4 Town of North Hempstead, February 9th, 2022.

5 And as is customary, what I'd like to do
6 is just take a couple of minutes to talk about the
7 way that we conduct business in the Town of North
8 Hempstead.

9 VICE CHAIR FRANCIS: David, before you start
10 that we should do the pledge.

11 CHAIR MAMMINA: I'm sorry. Thank you, Les.

12 VICE CHAIR FRANCIS: No problem.

13 CHAIR MAMMINA: I completely like -- shame on
14 me.

15 Les, please as is again customary, Vice
16 Chairman Leslie Francis will lead us in the Pledge of
17 Allegiance.

18 (Pledge of Allegiance.)

19 CHAIR MAMMINA: Thank you, Mr. Francis.

20 VICE CHAIR FRANCIS: I do apologize.

21 CHAIR MAMMINA: Thank you very much. So what
22 we'll -- what I'll do is I'll just take a couple of
23 minutes to talk about the way that we do things in
24 the Town of North Hempstead in case it might be
25 different than someplace where you may have appeared

2 before or maybe you've never appeared before a Zoning
3 Board before. And you know, I will say, you know, to
4 people who have never appeared before a Zoning Board
5 before, especially our residents that just be
6 relaxed, and you know, and just talk to us.

7 You know, we're -- you know, we are all
8 residents, we are all taxpayers, we all have homes.
9 You know, and we -- we understand, you know, so just
10 nice and easy, you know, is okay. If you get
11 flustered you can just ask for a little time out, and
12 you know, and that's okay.

13 So what we'll -- what will happen is
14 that Ms. Wagner will call each one of the cases and
15 read that through and then I will restate the case
16 and the Applicant will be promoted to -- on the Zoom
17 to the virtual podium and they will give their name
18 and address to our Court Reporter, who while you
19 can't see her, she is definitely here because this is
20 a quasi-judicial hearing and it is -- it is recorded
21 with a stenographer.

22 So you know, at -- just let me back up a
23 half a second. If there's more than one person as
24 the Applicant, that's okay and you can both speak.
25 We'll just ask individually, you give your name and

2 address to the Court Reporter before you speak and
3 then that way the record is clear because then the
4 stenographer can, you know, say, okay, now Mr. Smith
5 is speaking now, Mrs. Smith is speaking. You know,
6 or business partners, whatever it might be.

7 So the podium will then belong to the
8 Applicant and Applicant will put their case onto the
9 record and the Board will ask whatever questions it
10 may have of the Applicant. And at that point then we
11 will ask if there is anyone who was in opposition or
12 in support, you know, who would like the opportunity
13 to speak, they will be promoted one at a time to put
14 on the record whatever their thoughts are.

15 As I said, you can give your name and
16 address first please. And when that is completed,
17 the Applicant -- and typically only the Applicant
18 will get the opportunity to speak twice because the
19 Applicant then has that opportunity to answer
20 questions for the Board that may have been raised by
21 someone who spoke about the application and they, you
22 know, they may want to, you know, answer things that
23 were said by the Applicant, either in support or, you
24 know, or in opposition to it.

25 And at that point the hearing is done.

2 So kind of today is your day and when the hearing is
3 then completed, the Board will do one of four things:
4 We will either approve the application; we will deny
5 the application; we might reserve the application.

6 Now, if we reserve the application that
7 would -- that would mean that the Board may want to
8 go and see the site again. The Board may request
9 that piece of paperwork from, you know, from the --
10 from the Building Department, you know, or from
11 the -- well, not from the Applicant. So there could
12 be any number of reasons why we would reserve --

13 MS. ALGIOS: Chairman, in that instance we
14 could be continuing it, we're going to accept
15 additional items into the record.

16 CHAIR MAMMINA: Thank you, Ms. Algios. I
17 always appreciate the legal side of it because I'm --
18 I am not an attorney.

19 MS. ALGIOS: You do a great job.

20 CHAIR MAMMINA: I certainly try. But I will
21 say that I sat on that other side of the podium many,
22 many, many times as a, you know, as an architect. So
23 I understand again why people get a little bit
24 nervous sometimes.

25 But the Board might also offer some kind

2 of a compromise to the Applicant and then need a
3 drawing, you know, returned to us or their own piece
4 of paper, their documents that -- that they have.
5 You know, so there could be any number of reasons why
6 we would continue.

7 So that would just mean that the record
8 is open and it's usually very specific, you know, of
9 what it is open for, you know, it's just not
10 general -- typically anyway, it's not just a general
11 thing, anybody wants to send anything in.

12 So that we -- our sense of fairness, you
13 know, I think in this Board is -- you know, is
14 extremely important, you know, and everyone we would
15 like to believe gets, you know, their fair shake or
16 more than their fair shake.

17 You know, what I will ask is that if
18 people wish to speak either in support or in
19 opposition, we do limit that to three minutes. And I
20 mean, we're not going to cut you off hard at the end
21 of three minutes so there's a little bit of latitude
22 in that. But also what -- what we'll ask is that we
23 try not to repeat each other. Many times these are
24 very emotional things and that's certainly
25 understood. But if the same point gets put on the

2 record multiple times, it has no more strength, you
3 know, within the record.

4 And you certainly, you know, could just
5 stand up if you want to speak and every person who
6 wants to speak will have that opportunity and just
7 say, I agree with what Mrs. Jones said regarding
8 traffic and that's -- that's fine. You're then
9 recorded you're on the record and that, you know,
10 that is within -- within the consideration of the
11 Board.

12 So I think, Ms. Algios, did I hit
13 everything?

14 MS. ALGIOS: You did. Thank you so much.

15 CHAIR MAMMINA: Okay. With that and also
16 just a quick, quick introduction I guess I've never
17 done that before because we're Zooming here.

18 But Ms. Algios is our attorney from the
19 town attorney's office.

20 Ms. Wagner, who just ran away, is the
21 secretary to the Zoning Board so she's the one who
22 gets us all of our information, gives us all of our
23 wisdom as well.

24 And then we have Mr. Hernandez who is a
25 real estate developer.

2 Myself, who is an architect.

3 Ms. Goodsell, who is an attorney.

4 And Mr. Donatelli, who is an attorney.

5 And Mr. Francis, who is an attorney. So
6 they bring their -- their knowledge of land use, you
7 know, to the Board.

8 So with all of that said, I will ask
9 Ms. Wagner, do we have any modifications to today's
10 calendar?

11 MS. WAGNER: No, Chairman. We have no
12 modifications to the calendar.

13 CHAIR MAMMINA: So basically what that means
14 is that every case that's on the calendar will be
15 called today and heard today.

16 So with that said, please call the first
17 case on the calendar.

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1 APPEAL # 21179.

2 MS. WAGNER: Appeal #21179. Salvatore
3 Abruzzo; 231 Old Mill Road in Manhasset; Section 3,
4 Block 220, Lot 17 in the Residence-A Zoning District.

5 Variance from 70-30.C to construct
6 additions located too close to the street.

7 CHAIR MAMMINA: I've heard Appeal 21179,
8 Salvatore Abruzzo.

9 So is there anyone who is on the Zoom
10 meeting who has interest in the application? And you
11 can raise your hand, you know, in the chat. You
12 know, and you then will be -- you'll have the
13 opportunity to speak, you know, at the appropriate
14 time. And Ms. Algios will then promote you to the
15 podium, you know, when -- at the time that it's
16 appropriate.

17 So if we have the Applicant and we can
18 promote them, that would be -- that would be great.

19 MS. ALGIOS: So we had a Vincent Lucarelli.
20 I tried promoting him.

21 MR. LUCARELLI: Hi. This is Vincent.

22 MS. ALGIOS: Great. Okay. Thank you.

23 MR. LUCARELLI: Hello.

24 MEMBER DONATELLI: Good morning.

25 CHAIR MAMMINA: Good morning, Mr. Lucarelli.

1 APPEAL # 21179.

2 MR. LUCARELLI: Good morning to the Board.

3 CHAIR MAMMINA: So please give your name and
4 address, please, and it can be a business address,
5 it's okay.

6 MR. LUCARELLI: Sure, it's Vincent Lucarelli.
7 9 Kirkland Drive, Greenlawn, New York.

8 CHAIR MAMMINA: All right. So the podium
9 belongs to you, sir. And you can put your case onto
10 the record. And Ms. Wagner has the drawings up, you
11 know, on the -- you know, on the screen.

12 Sometimes the Applicant likes to share
13 so that they can, you know, can then control that.
14 Virginia does a great job of that and you can ask for
15 whatever drawings you would like brought up, you
16 know, in order to get your case onto the record.

17 MR. LUCARELLI: Okay. Great. Thank you. So
18 basically, what I would like to do is see if Virginia
19 could possibly zoom in on the site plan to start
20 because that might be helpful and kind of a good
21 starting point.

22 There's a plot plan on the -- yeah. Top
23 right.

24 MS. WAGNER: Is that good?

25 MR. LUCARELLI: Yeah, that's fine. Maybe

1 APPEAL # 21179.

2 just out a little bit just so we can see the street
3 in the front. Just -- yeah, that's fine. Perfect.
4 Okay.

5 So I basically wanted to start the
6 presentation by just saying that the reason why we're
7 here because is the homeowner would like to construct
8 an addition on the dwelling. And the addition is
9 causing there to be an issue with the front yard
10 setback.

11 So the front yard -- average front yard
12 setback on the property is 48.25. That was provided
13 by a surveyor who went out and figured that setback
14 out by going 200 feet out on either direction on the
15 same street, but it came up with 48.25.

16 Now, this house already is closer than
17 that, it was built closer than that to the street, it
18 just exists in that location that it is closer than
19 48.25, that's just how it is. So the addition where
20 you see it's crosshatched is going to be proposed at
21 41.5 feet from the property line.

22 So they have existing 42.5 to the
23 existing dwelling of 41.5 is what we're proposing to
24 get approved. So we're actually bumping out the
25 front of the house one foot from the existing house,

1 APPEAL # 21179.

2 so I don't think it's a substantial amount that we're
3 bumping out.

4 So with that said, there's also a front
5 portico on the property which bumps out 36.4 which is
6 already built and that was approved, I guess, a
7 number of years ago. I was not involved in that. So
8 there's an existing front portico on that dwelling.

9 So the -- basically what we're doing is
10 the project entails first and second floor
11 renovations. On the first floor where you see
12 there's just a single-hatched area, it says 14x19.5,
13 and I don't know if anybody can all see that but it's
14 14x9.5 feet. That's an existing -- it's just hatched
15 in one direction. That is the existing house, that's
16 an existing family room and dining room.

17 And what we're proposing to do is add a
18 mudroom in front of that so that way the homeowner
19 can access the house via the mudroom rather than
20 coming from through the main entrance just because
21 the main entrance is very nice and they don't want to
22 be tracking mud through the main entrance, they would
23 rather enter through a mudroom.

24 So they would like to add a mudroom
25 directly as you drive up the driveway, you know, have

1 APPEAL # 21179.

2 that mudroom and enter through that door which we're
3 proposing directly from the driveway.

4 They're also adding on the first level a
5 laundry room which is in the back, which is not part
6 of the variance that should be as of right. So
7 they're adding on to the back on the first floor as
8 well. So that pretty much covers the first floor.

9 The second floor -- I think it's
10 Virginia, right?

11 MS. WAGNER: Yes.

12 MR. LUCARELLI: Virginia, if you maybe you
13 want to zoom out a little and go to the floor plan.
14 I think it's page two.

15 MS. WAGNER: The second floor plan you're
16 looking at?

17 MR. LUCARELLI: Yeah, the second floor plan.
18 I just thought it would be easier to understand it.
19 Yeah, yep -- just and then it's to the right. You
20 can probably see both the first and the second floor
21 plan. Zoom out just a touch and then I think we're
22 good. Yep.

23 Okay. So that's the second floor plan
24 and I just wanted to describe that on the second
25 floor, they will be adding two bedrooms, which is

1 APPEAL # 21179.

2 bedroom number two in the front and then bedroom
3 number one in the rear which does not need a
4 variance, it's all as of right.

5 So bedroom one -- sorry, bedroom two is
6 going to be project the same one foot out from the
7 existing dwelling. So it's going to be the mudroom
8 and bedroom two which are both going to project
9 outward. And that's basically what we are proposing,
10 that's what we're proposing to do.

11 Now, just if you have a moment, I just
12 wanted to go over the reason behind the whole plan
13 and why it is the way it is, a little summary of the
14 project.

15 So the existing family room and dining
16 room right now have a flat roof which it's basically
17 old, leaking and needs major repairs. So in lieu of
18 doing these major repairs and it's also good timing
19 for the homeowner to expand the house, they felt that
20 it would be better to expand and create a better roof
21 structure and roof system that would be better.

22 Because the flat roof which has been
23 there forever, it's just not very practical, you
24 know, they could keep fixing it and they could try to
25 put a pitched roof over it but it doesn't really work

1 APPEAL # 21179.

2 so well architecturally, because there's windows on
3 the side of the house that would interfere with a
4 single level pitched roof.

5 So they elected to put the second level
6 on which they could all do as of right, all of that
7 is as of right. The only thing is the front
8 projection which is the issue.

9 When we do the second floor roof -- now,
10 Virginia, if you wanted to go to elevation, sorry.
11 Go back to the front elevation and that will probably
12 be the last thing we look at from my point of view.

13 It's page one.

14 MS. WAGNER: Is that what you wanted to show?

15 MR. LUCARELLI: Well, yeah, that's it, that's
16 fine. Right there, that's fine.

17 So the right elevation that shows the
18 entrance to the mudroom and then above it shows the
19 bedroom two, you know, it's on the right side of the
20 house is the -- is the extension. And the reason for
21 the second floor really is to make the roof
22 continuous, kind of seamless, make it look like it
23 was always there.

24 The fact that we want to bump it out a
25 foot makes it a lot easier to obtain a front gable.

1 APPEAL # 21179.

2 We have -- we're showing a front gable on the second
3 floor. And it's just a smooth roof transition.

4 So by giving the Board approving that
5 one foot, it enables this design to happen which is
6 kind of really fitting in with the neighborhood and
7 it's going to just be a reversed gable and go back
8 into the existing roof. There's a line that shows
9 where the existing and new is, and we're just seeking
10 approval for that one-foot bump out basically.

11 And you'll see there is a roof overhang
12 over the new mudroom entrance, there is roof overhang
13 there and that would be, you know, a 4-foot deep by
14 14-foot mudroom when you're inside it. You wouldn't
15 really want to go any smaller than that, that's also
16 a reason why we have the one-foot bump out. Because
17 we're keeping existing interior of the house as the
18 dining room and the family room pretty much where it
19 is.

20 So we don't really want to make that
21 smaller, the mudroom it wouldn't be practical, it's
22 pretty much the smallest it could be and still be
23 practical. So I kind of felt like this was the best
24 way to go with this whole design and accomplish what
25 the homeowner wanted to accomplish. That's kind of

1 APPEAL # 21179.

2 where we stand as far as the variance criteria.

3 And this will be probably the last part
4 of my presentation. There's no undesirable change to
5 the neighborhood. This house is going to be
6 characteristic of similar houses in the neighborhood
7 so I don't think it's going to be any sort of
8 negative change or undesirable change to the area.

9 Also, is there another way we could do
10 this? Well, the proposed location and the mudroom
11 and the additional bedroom that we're adding above it
12 appears to be -- it's really the most logical and
13 probably the most cost-effective way for the
14 homeowner to accomplish what they want to accomplish
15 so that's why it is the way it is.

16 And the variance is not substantial, I
17 mean it's really -- we're bumping it out a foot,
18 we're not coming past anything, we're coming past the
19 existing dwelling by one foot so it does not in my
20 eyes doesn't seem substantial. And I hope the Board
21 sees it that way as well.

22 And I think that's about it. Although
23 the last thing is the requested variance will not
24 have an adverse effect on the physical and
25 environmental condition of the neighborhood. Not at

1 APPEAL # 21179.

2 all. It's not going to have any environmental
3 characteristic, it's all mature landscaping around
4 the site, around the building. I have a photograph
5 but I don't know if I can share it right now, I
6 uploaded it to the website.

7 But there's mature landscaping
8 throughout the site on both sides, in the front.
9 This is going to look like it was always there. I
10 don't think it's going to impact anything in any way.

11 And basically that's the presentation.
12 So if anybody has any questions.

13 CHAIR MAMMINA: Sure. Mr. Lucarelli, the
14 square footage, the area, the side yards, the rear
15 yard, all of that is compliant?

16 MR. LUCARELLI: All of that is in compliance
17 with code as of right, that's all within the FAAR
18 requirement and they're not exceeding any other sort
19 of -- they're not exceeding anything else.

20 CHAIR MAMMINA: And the existing -- the
21 existing front foyer because I mean, it's a portico,
22 you know, per se but that part is -- extends out
23 maybe two and a half feet or so for a little bit of
24 shelter from the rain. But the rest of that is
25 three-sided, and you know, is exterior space. So we

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2 can't quite on my screen zoom it up, but that
3 projects in the front yard further.

4 MR. LUCARELLI: Yes, the existing foyer is
5 5x9, approximately 5x9 interior space and there's a
6 small like 2-foot overhang with a gabled roof that
7 kind of projects past the 5x9 foyer.

8 CHAIR MAMMINA: Right. And you're -- the
9 depth of your variance is about 6 feet or 7 feet, I
10 don't know why I can't zoom my screen out. But, you
11 know, for that -- for that area but you are greater
12 than the 35 feet that's required for the -- for the
13 setback.

14 MR. LUCARELLI: Well, the proposed -- you're
15 talking about the proposed --

16 CHAIR MAMMINA: Yes.

17 MR. LUCARELLI: -- mudroom.

18 CHAIR MAMMINA: The proposed addition.

19 MR. LUCARELLI: It's set back 41.5 feet from
20 the property line. And the existing foyer was, you
21 know, on the main house that's existing is 36.4 feet.
22 So we're well beyond what's existing there today.

23 CHAIR MAMMINA: Right.

24 MR. LUCARELLI: Really well past that.

25 CHAIR MAMMINA: Jay, what do you think?

1 APPEAL # 21179.

2 MEMBER HERNANDEZ: Mr. Chairman, this
3 house -- as you look down the block, it is slightly
4 forward than the other houses in the community, very
5 slightly but it is slightly forward.

6 The portico already does encroach in
7 the -- it goes past 35-foot very apparently from the
8 notes by a very small margin, it goes to 34.7 feet --
9 34 feet, 7 inches. So it is a little bit closer than
10 35.

11 However, what they're proposing today is
12 none of that, what they're proposing today is
13 basically to build over the garage -- what used to be
14 the garage originally. And that what's why it had
15 the flat roof, that at some point has been converted
16 to a family room.

17 And the encroachment in coming from the
18 garage does not make it any worse, because it only
19 comes one foot forward from the original house. So
20 it's still within the portico side, so it is the
21 minimus amount going forward on the house proper.

22 It does also give the architect an
23 opportunity to build that gabled roof, keeping it as
24 far away as he possibly can from the neighbor so that
25 the neighbor doesn't see a peaked roof right up

1 APPEAL # 21179.

2 against the old garage wall, so it does -- he has
3 done something to make it a little bit more palatable
4 to the neighbor rather than seeing a blank wall out
5 there.

6 So unless anyone has any other comments
7 or questions or objections, I don't see this as being
8 an extremely big request. I think they have done
9 enough to make it conform to the neighborhood and I
10 don't think it will be detrimental for the
11 neighborhood.

12 So for all of those reasons, I move that
13 we grant the application.

14 CHAIR MAMMINA: We have a motion. Do we have
15 a second?

16 MEMBER GOODSSELL: I'll second.

17 CHAIR MAMMINA: Seconded by Ms. Goodsell.

18 A motion by Mr. Hernandez, seconded by
19 Mrs. Goodsell. Could we --

20 MS. ALGIOS: Chairman, before we go any
21 further, I just want to note I don't see any hands up
22 for --

23 CHAIR MAMMINA: Thank you, Deborah.

24 MS. ALGIOS: -- anyone that would like to
25 speak on this.

1 APPEAL # 21179.

2 If there's anyone that is listening in
3 that would like to comment on this application, you
4 can raise your hand or indicate that in the chat,
5 we'll give a moment for that. If not, we'll proceed.

6 CHAIR MAMMINA: Yes. And I'd like to
7 apologize to everyone with us on the Zoom now.
8 Things that we see in person when we're there and we
9 see hands go up, we don't see them go up on the --
10 you know, on the Zoom meeting.

11 But Ms. Algios is -- between Ms. Algios
12 and Ms. Wagner they do a very good job of helping us
13 not to stumble on that.

14 MS. ALGIOS: No hands have gone up so I think
15 we're good to proceed on this.

16 CHAIR MAMMINA: Okay. Ms. Wagner, we have a
17 motion and we have a second. Would you please poll
18 the Board?

19 MS. WAGNER: Member Goodsell.

20 MEMBER GOODSSELL: Aye.

21 MS. WAGNER: Member Hernandez.

22 MEMBER HERNANDEZ: Aye.

23 MS. WAGNER: Member Donatelli.

24 MEMBER DONATELLI: Aye.

25 MS. WAGNER: Vice Chairman Francis.

1 APPEAL # 21179.

2 VICE CHAIR FRANCIS: Aye.

3 MS. WAGNER: Chairman Mammina.

4 CHAIR MAMMINA: Aye.

5 The application is granted. Thank you,
6 Mr. Lucarelli. Good job.

7 MR. LUCARELLI: Thank you.

8 CHAIR MAMMINA: It's going to be a pretty
9 house.

10 MR. LUCARELLI: Thank you very much to the
11 Board.

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1 APPEAL # 21146

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3 MS. WAGNER: Next Appeal. Appeal #21146
4 Andrew Simons; 38 Beachway, Port Washington. Section
5 5, Block C, Lot 414 in the Residence-A Zoning
6 District.

7 Variances from 70-30.C, 70-30.B and
8 70-32.6 to construct additions located too close to
9 the street. To install 2 A/C units located too close
10 to the street, and to install front yard paving that
11 covers more than 40 percent of the front yard.

12 CHAIR MAMMINA: You've heard Appeal #21146,
13 Andrew Simons.

14 Is there anyone in the room interested
15 in the application other than the Applicant? So if
16 you are, please raise your hand in the chat, you
17 can -- it's best -- it's wonderful if you can raise
18 your hand right in the beginning, but if you're
19 sitting there, thinking about whether or not you want
20 to say something, please feel free to raise your
21 hand, you know, at any point. We'll ask that you not
22 hold it for the last second.

23 So if we've got the Applicant there,
24 then Ms. Algios, could you please promote them to the
25 --

1 APPEAL # 21146

2 MS. ALGIOS: I promoted the Applicant. It
3 looks like the Applicant is recommended by Timothy
4 Higgins. There was someone by the name of Tim, I
5 didn't see a Timothy Higgins and I did promote Tim.

6 MR. HIGGINS: This is Timothy Higgins. Are
7 you able to hear me?

8 CHAIR MAMMINA: Yes, we can.

9 MS. ALGIOS: Yes.

10 MR. HIGGINS: Okay. I'm not -- on my screen
11 I'm not showing up, but if you can -- can you see me
12 as well?

13 MS. ALGIOS: No.

14 CHAIR MAMMINA: No.

15 MR. HIGGINS: What do I have to hit for you
16 to be able see me? I apologize.

17 CHAIR MAMMINA: Do you have a baseball bat,
18 that's about my --

19 MS. WAGNER: Mr. Higgins, do you have your
20 camera on if you have a laptop?

21 MR. HIGGINS: Yeah.

22 MS. WAGNER: You have the camera on?

23 MEMBER DONATELLI: And the other question
24 that I discovered quite by accident is there's a
25 small little knob on by the camera which switches the

1 APPEAL # 21146

2 camera on and off for privacy. You may want to check
3 that.

4 MR. HIGGINS: Looks like I'm fine on that
5 end. Okay. I had this once before and it was a
6 simple button. Maybe it's this one. Speaker view,
7 gallery view, full screen. Okay. That's not helping
8 me. Okay. I'm back to that.

9 CHAIR MAMMINA: Tim, can you see us?

10 MR. HIGGINS: I can see all of you, yes.

11 MEMBER HERNANDEZ: If you put the cursor over
12 the blank screen that you see for yourself with your
13 name on it.

14 MR. HIGGINS: Yeah.

15 MEMBER HERNANDEZ: And you click on the
16 little three buttons on the upper right-hand corner,
17 one of them says "start video" or "stop video". You
18 should hit "start video."

19 MR. HIGGINS: Start video. Okay. I just did
20 that.

21 MS. ALGIOS: There you go.

22 MS. WAGNER: There you are. We can see you.
23 Good job, Jay.

24 MEMBER HERNANDEZ: Thank you.

25 MS. WAGNER: Jay, you have a new career: IT.

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2 MEMBER HERNANDEZ: I don't need another one.
3 Thank you.

4 CHAIR MAMMINA: We can only see half of your
5 face.

6 MR. HIGGINS: Now, why is that --

7 CHAIR MAMMINA: Just tilt your camera.

8 MEMBER HERNANDEZ: Move your screen around.
9 Or move yourself around.

10 MR. HIGGINS: All right.

11 MEMBER GOODSELL: Better.

12 MEMBER HERNANDEZ: Sit back and relax because
13 you're too close, that's why we can't see you. There
14 you go.

15 MS. WAGNER: Mr. Higgins, can I ask you, is
16 Amy Urban the architect on this project?

17 MR. HIGGINS: She is and she is -- I believe
18 is ready to Zoom in as well.

19 MS. WAGNER: She has her hand raised so I
20 just wanted to make sure.

21 MR. HIGGINS: I'll note my appearance. For
22 the Applicant, Timothy P. Higgins. 57 Manhasset
23 Avenue Manhasset, New York 11030.

24 Good morning, Mr. Chairman and Members
25 of the Board and Counsel --

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2 MEMBER HERNANDEZ: Good morning.

3 MR. HIGGINS: -- sorry for my technological
4 challenges. Oh, boy, what am I doing here?

5 Okay. Right. So Virginia has the
6 Notice of Disapproval and the building plans. If we
7 could -- yes, that -- that survey, if we can, that's
8 pretty much going to be my best prompt.

9 If I may, can I proceed based on that
10 survey?

11 CHAIR MAMMINA: Sure.

12 MS. WAGNER: Yes. If at any time you want to
13 share your own screen, just let me know. Or the
14 architect wants to share the screen, just let me
15 know.

16 MR. HIGGINS: I'm going to try to not touch
17 anything on the screen because I don't want to create
18 any more problems.

19 But essentially the Applicant here needs
20 three different area variances but the primary reason
21 for these three separate area variances is that this
22 property is rather unique in that we have three front
23 yards. We have the legal front yard, which is really
24 a physical side yard, which is the yard that fronts
25 on Plandome Road.

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2 And although the physical front of the
3 house fronts on Beachway, Beachway is technically a
4 secondary front yard and most importantly, Yacht Club
5 Drive immediately behind the physical rear of the
6 house is another secondary front yard.

7 The uniqueness or novelty of Yacht Club
8 is that it's only a mapped street for a portion of
9 the property behind my client. As soon as you look
10 at the next property to the west, Yacht Club Drive
11 becomes a private drive servicing Port Washington
12 Yacht Club.

13 So when you look at the map, physical
14 map, Yacht Club Drive starts at the corner of Yacht
15 Club Drive and Plandome Road and ends at the west
16 line of my client's property.

17 So the net result is we fall under the
18 unfortunate (technical difficulties) of having three
19 front yards. A primary on Plandome, secondaries on
20 both Yacht Club Drive and Beachway.

21 With respect to the need for the
22 variance of the required primary front yard setback,
23 which would be Plandome Road under 70-30.C, I note
24 that 70-30.C provides the minimum front yard depth
25 shall be the average front yard depth of the existing

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2 primary buildings within 200 feet on each side of the
3 lot on the same side of the street, within the same
4 zoning district for 35.

5 Now, we meet 35 just perfectly but when
6 you -- when you average out as shown on the survey,
7 in calculating the average front yard setback, that's
8 where we fall short on Plandome Road. The average
9 setback for the north Plandome Road, the primary
10 within 200 feet in the same Block C as well as the
11 average front yard setback in the adjacent block 103
12 because that falls within the 200 feet.

13 The calculation includes four lots that
14 have primary front yard setbacks of 47.8 which
15 dimension is greater than the 35. Those lots are
16 Block 103, Lot 329 and 339. And Block C, Lots 239
17 and 407. Again, because Plandome Road, although it's
18 our physical side yard when you look at the property,
19 it is our legal primary front yard. So the
20 difference -- well, I'm sorry the primary front yard
21 in the setback addition over the existing garage is
22 47.8 versus 47.

23 I would submit that the .8 is within
24 the -- it's negligible, not substantial and should be
25 within the tolerance generally accepted in such

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2 applications.

3 With respect to the 10-foot difference
4 between the required primary front yard setback to
5 the garage addition, 47.8 and the proposed primary
6 front yard setback to the garage addition, 37 feet;
7 while it's a substantial difference, 10.8 feet it is
8 dimensionally consistent with the homes within the
9 immediate neighborhood of the Beachway street for the
10 reason that those other homes have two side yards,
11 one rear yard and one front yard, whereas we have
12 this unique situation with the primary being on
13 Plandome Road.

14 So the inclusion of lots 407 and 39 --
15 and 239 within Block C, as well as lots 329 and 339
16 within Block 103, while technically it's within that
17 200 feet on either side of the subject property,
18 they're not within the immediate Beachway community
19 or neighborhood. Lots 407 or 239 are on the other
20 side of Yacht Club Drive and Lots 329 and 339 are
21 also not within the Beachway neighborhood.

22 So looking at the immediate Beachway
23 neighborhood, the adjacent properties have just one
24 front yard on Beachway and the portion of their
25 properties adjacent to their garages are legal side

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2 yards with permitted setbacks that allowed many to
3 expand their one-car garages to two-car garages.

4 So I submit that the proposed primary
5 front yard setback for the garage addition of 37 feet
6 versus the required 47.8 is consistent with the
7 character of the neighborhood and is in contrast to
8 the zoning code because of the unique circumstance of
9 the subject property having these three front yards.
10 And we are meeting the minimum of 35 which is set in
11 the code.

12 We are just getting knocked out because
13 the average is taking adjacent neighborhoods as
14 opposed to just the immediate neighborhood.

15 If I may, I'd like to address the next
16 issue.

17 CHAIR MAMMINA: Please.

18 MR. HIGGINS: Okay. With respect to the need
19 for the variance of required secondary front yard
20 setback for Yacht Club Drive under Section
21 70-70-30.B.; 70-70-30.B provides:

22 On a corner lot a front yard shall be
23 required on each street, unless the building is
24 controlled by 70-30.C, the front yard on the narrow
25 street frontage shall be not less 35 feet in depth

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2 and the other front yard shall be not less than 30.

3 So since our primary front yard is
4 Plandome Road, Yacht Club Drive becomes a secondary
5 front yard with a requirement of 30 feet setback.

6 Addressing the disapproval. The
7 required secondary front back to the one-story
8 addition is 30 feet and the proposed secondary front
9 back to the one-story addition is 29.4. Now, I note
10 the original denial letter had 18.75 but it was later
11 corrected to reflect 29.4. So with regard to the
12 one-story addition, again it's a difference between
13 29.4 and 30 feet, rather negligible.

14 But let me go on. The required
15 secondary front yard setback to the dining room
16 addition is 30 feet. The required proposed secondary
17 front yard setback to the dining room addition is
18 18.75.

19 And then the third issue, from Yacht
20 Club Drive is that the required secondary front
21 back -- front yard setback to the two air
22 conditioning units is 25 feet and the proposed
23 secondary front yard setback to the two air
24 conditioning units is 21.1. And that is if you look
25 at that survey, the two air conditioning units are

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2 not in line so the dimension of 21.1 is measured
3 against the AC unit that is closest to the Yacht Club
4 Drive.

5 With respect to each of these three
6 proposed secondary front yard setbacks, they are all
7 measured from Yacht Club Drive as the secondary front
8 yard. Yacht Club Drive is a public street but for
9 only the rear portion of the subject property. After
10 which it continues west along the rear of the tax
11 lots to the west of the subject property, acting as a
12 private drive for the Port Washington Yacht Club.

13 So none of these properties to the west,
14 although they too back up to Yacht Club Drive are
15 effected the way this is for the reason that the only
16 portion of the Yacht Club Drive that is a public
17 street is the portion behind the subject property.

18 So accordingly, but for the fact that
19 the public portion of the Yacht Club Drive there
20 would be no insufficient setbacks for the alterations
21 as proposed along Yacht Club Drive for that portion
22 of the subject property would be a legal side yard
23 with no setback issues.

24 Again, the issue arises for the
25 uniqueness of the subject property having a primary

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2 front yard at Plandome and two secondary front yards,
3 one on Yacht Club Drive and the other on Beachway.

4 The Yacht Club Drive portion is unique to the subject
5 property and not to the tax lots to the west for the
6 reason as I've indicated that the tax lots to the
7 west are behind the private portion of Yacht Club.

8 So I submit that the proposed secondary
9 front yard setback for the portion of the property
10 adjacent to Yacht Club Drive is consistent with the
11 character of the neighborhood within that Beachway
12 community and is in contrast to the Zoning Code
13 because of the unique circumstance of the Yacht Club
14 Drive being a legal street versus a private drive.

15 Going on to the third branch of relief
16 with respect to the need for the variance of the
17 front coverage more than 40 percent by any impervious
18 material or other type paving under section 70-32.6.

19 That Section provides for all new
20 construction alteration or landscaping changes, a
21 front yard may not be covered by more than 40 percent
22 of any impervious material or other type of paving.

23 The -- the denial points out the maximum
24 permitted front yard paving along Plandome Road 1,532
25 square feet and the proposed front yard paving along

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2 Plandome Road is 1,977. Again, this issue arises
3 again from the uniqueness of the subject property,
4 having the three front yards and the legal primary
5 front yard on Plandome Road. This would not be an
6 issue if the property was to the immediate west as
7 that portion would be a legal side yard with no
8 coverage of impervious material issues.

9 Also pointing out that the idea of this
10 impervious material is for the children to be able to
11 play basketball, et cetera. If we flip it and we're
12 able to put this pea gravel impervious material on
13 the west side of the property, then you have issues
14 where neighbors hear the ball bouncing and things of
15 that nature.

16 I would argue that this is the perfect
17 place to put it because nobody on Plandome Road is
18 going to complain about hearing a ball bouncing
19 against a basketball net or whatever. So again, all
20 of these -- all of these variances are the result of
21 the uniqueness of this property. But I submit as
22 I've indicated that the proposed setback variances
23 are actually consistent with the neighborhood itself.

24 If -- moving forward I guess. If I
25 could balance the criteria for determining these

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2 things. That I would argue the proposed variances
3 none are substantial and that's why they are
4 deficient under the current code, they are, in fact,
5 consistent with the lots in the immediate
6 neighborhood, essentially or specifically the
7 Beachway community.

8 None of these variances if granted will
9 create an undesirable change or have an adverse
10 impact on the surrounding neighborhood. None of the
11 variances if granted will create a detriment to the
12 health, safety or welfare of the community.

13 The benefits sought to permit the
14 construction of the additions as shown on the plans
15 cannot be achieved by any other method without an
16 area variance, again due to the unique aspect of the
17 subject property having these three front yards.

18 The condition requiring relief,
19 substandard setbacks, is not self-created as it
20 existed at the time of Applicant's purchase. Again,
21 the result of the uniqueness of this property, the
22 benefits sought here is, in fact, consistent with the
23 neighborhood and cannot be achieved by any other
24 means.

25 So it is respectfully requested that the

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2 Board grant the required variances.

3 I have Amy Urban available to answer any
4 architectural questions regarding the plans.

5 CHAIR MAMMINA: Mr. Higgins, I've got one
6 question: The pea gravel, what color is it?

7 MR. HIGGINS: I'm going to defer to
8 Ms. Urban, if I may.

9 CHAIR MAMMINA: Okay. Ms. Urban, what color
10 is the pea gravel? You have to put your name on the
11 address and you're also muted.

12 MS. URBAN: Good morning. This is Amy Urban.
13 I live at 66 Carlton Avenue in Port Washington, New
14 York. I'm here as the architect for 38 Beachway in
15 Port Washington.

16 We would like the color of the pea
17 gravel to be gray.

18 CHAIR MAMMINA: Okay. Also very nice
19 drawings.

20 MS. URBAN: Thank you.

21 CHAIR MAMMINA: They look good. I can never
22 help but look at how many licenses have been handed
23 out since my license and getting up near 28,000 now
24 since I took my exam. But it just amuses me I guess
25 as my hair gets grayer.

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2 You know, okay and I mean, I -- I
3 understand the ordinance regarding pavement, and you
4 know, was certainly here when that ordinance was put
5 into place. This is an extremely unique piece of
6 property and the interesting thing though, you know,
7 and I would assume that at least some of the Board
8 members would agree with me that over the last couple
9 of years, we've seen a few of these with this almost
10 a peninsula. And you know, that is very -- that is
11 very unusual.

12 And to me, I think that in this
13 instance -- well, let me back up a second. I know
14 from the work that I do, like the Department of
15 Environmental Conservation does not consider gravel
16 as a paving. You know, but I mean there are -- there
17 is a project that I did out on Eastern Long Island
18 where we used crushed clam shells for the -- for the
19 parking lot, it's actually very pretty.

20 But you know, I certainly think that in
21 an effort to try to comply, you know, with the --
22 with the ordinance, you know, increasing a little bit
23 of paving with gravel, you know, is certainly a
24 better -- you know, a better approach than, you know,
25 than paving it. You can have plenty of asphalt there

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2 for paving cars and I know that was one of the major
3 objectives of the Town Board that they wanted to make
4 sure that the people weren't just paving the entire
5 front yard of their house in order to park, you know,
6 five, six cars, you know, in the driveway.

7 You know, and also, you know, living in
8 a neighborhood if someone were living in a
9 neighborhood with a 60x100 lot but they want to have
10 that circular drive, it really doesn't belong in a
11 60x100 lot. You end up with a lot of paving in
12 the -- in the front yard and very, very little grass.

13 You know, I don't know. What -- Don,
14 what are your thoughts on this?

15 MEMBER DONATELLI: So I do agree that this is
16 a unique property and it presents some real
17 challenges. We all know how busy Plandome Road is
18 and I think that the paving is in this instance
19 really necessitated by the fact that you do not want
20 the vehicle entrance on Plandome Road. Which all
21 other factors being equal, would be opposite the
22 garage so that would be the natural approach to it.

23 So I think that the -- the gravel and
24 the driveway is really a product of the need to avoid
25 entering and exiting on Plandome Road. So I think

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2 that in this instance it's justified.

3 MEMBER GOODSSELL: I just want to make a
4 comment that it seems that this property which looks
5 like one of the smaller houses on the block, I've
6 never been down Beachway before, so I have to say
7 it's a nice little hidden community.

8 It seems that the informal front of the
9 house is Beachway because that's the address and the
10 informal side yard is the side that faces Plandome
11 and the informal backyard is the side that faces
12 Yacht Club Drive. Would that be a fair statement?

13 MS. URBAN: Yes, that's accurate.

14 MEMBER GOODSSELL: And if, in fact, everything
15 were equal and there were no roads near by, I don't
16 know that you would really need a variance for these
17 things.

18 MS. URBAN: Yes, that is correct.

19 MEMBER GOODSSELL: Okay.

20 MEMBER DONATELLI: Do we have any members of
21 the public that would like to be heard?

22 MEMBER HERNANDEZ: I would like to ask
23 Mr. Higgins to clarify something for us before we do
24 that. In the writeup that we have, in it it says
25 that you are reorienting the access to the garage

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2 from facing Beachway to actually facing Plandome
3 Road.

4 Can you please clarify how cars will
5 enter the garage and there is no entry directly from
6 Plandome Road (indecipherable) an entry from Plandome
7 Road there, given that is -- we all know the street
8 very well, we've all been to the yacht club many
9 times I'm sure. That is a very, very sharp corner
10 with the traffic running much too quickly most of the
11 time and any entryway on Plandome Road, that could be
12 very dangerous. So just please clarify that there is
13 no entry.

14 MR. HIGGINS: If I may, I'm going to defer to
15 Ms. Urban. The entryway to the garage, Amy.

16 MS. URBAN: The entryway for the garage will
17 still be located from the same curb cut on Beachway.
18 Cars will come in and we have a 24-foot turning
19 radius to turn and enter through the side of the
20 garage which is now facing Plandome Road but
21 (indecipherable) accessible from Beachway.

22 MEMBER HERNANDEZ: Okay. And the need for
23 converting the entryway from facing Beachway to the
24 side of the -- facing Plandome Road was driven by?

25 MS. URBAN: It was driven partially by

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2 aesthetic. We wanted to give a more -- a cleaner
3 look to the front of the house. The existing
4 condition is that there was a single-car garage and a
5 second-car garage added on to it.

6 So right now there are two single-car
7 garages next to each other. That would have to
8 basically renovated to make a two-car garage anyway
9 but at that point, we figured aesthetically it was
10 just makes more sense to have a garage facing
11 Plandome Road.

12 CHAIR MAMMINA: I do also think, you know,
13 that we can separate this if we were to grant this.
14 I mean, we could fairly easily separate this from
15 somebody else coming in and asking, you know, for
16 that amount of paving, you know, in a -- in a front
17 yard. Because he has -- we all say or certainly
18 understand this is a very unique piece of -- piece of
19 property.

20 You know, and look, anything can be
21 solved, you know, in a different way but I think, you
22 know, in this case it would be forcing, you know, a
23 point. It would be zoning for the sake of zoning,
24 and you know, that's why we're here, you know, is to
25 balance, not to do zoning.

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2 MR. HIGGINS: Mr. Chairman, if I may, one
3 final thing.

4 Of the five property owners what we are
5 required to notice, we've already gotten four signed
6 written consents to the application in its entirety
7 to further distinguish if I may, from anybody else
8 that may want to try and do something like this.

9 We got signed consents from Mr. and
10 Mrs. Netaschine at 33 Plandome Road. Mr. and
11 Mrs. Tubis at 34 North Plandome Road. Mr. Waskower
12 at 27 Beachway and Calderon Enterprises. And the
13 only thing one we didn't hear back from was Mr. and
14 Mrs. Davis at 31 Beachway.

15 All of those four signed consents were
16 emailed to the Zoning Board as late as yesterday,
17 because I only finally got them all in the mail. I
18 just wanted to raise that final point.

19 MEMBER GOODSSELL: And I think the only other
20 point I'd like to make this on, Mr. Chairman, as I
21 recall one of the reasons, we do not encourage paving
22 of a great deal of a front yard, side yard, backyard
23 is the rain runoff and the water runoff.

24 But as I recall looking at this
25 property, it's kind of on a hill so the side of the

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2 property that would contain the most amount of paving
3 the water would run on to the client's property.

4 It's not going to run on to another neighbor's
5 property, it's not going run on to the street. I
6 believe that the property elevation is so that the
7 side closest to Plandome Road is slightly higher than
8 the side closer to -- well, the beach. So I don't
9 particularly see that as a problem for the
10 neighborhood.

11 CHAIR MAMMINA: And I think also in looking
12 at this, and that's an excellent point. I mean, the
13 Building Department is going to require drywells to
14 be put in any impervious paving.

15 And you know, as I said -- you know, as
16 more and municipalities get tuned into the concept of
17 rainwater, you know, and rainwater runoff, you know,
18 things like gravel, and you know, other loose, you
19 know, but solid materials, you know, are becoming
20 more and more popular both for aesthetics, you know,
21 and you know, for the fact that those will
22 self-drain. So I do see a couple of drywells, I
23 think too, you know, that are -- that are shown on
24 there that are a little tricky to see, Mrs. Goodsell.

25 MEMBER GOODSSELL: Yeah. They are a little

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2 tricky to see because I'm looking for them but my
3 thought was --

4 CHAIR MAMMINA: I'm the architect, you can be
5 the attorney. Ms. Urban can be the architect and
6 Mr. Higgins can be the attorney. But yes, there are
7 drywells and then there are calculations for those
8 drywells, you know, as -- you know, as well.

9 But you know it is a good point again
10 just for the record, the slope of the property
11 especially. You know, and the fact that the water is
12 being contained because so many times we do get
13 people, you know, who will speak with concern, you
14 know, that water is going to runoff on to their --

15 MEMBER GOODSSELL: And some of those are valid
16 concerns, valid concerns.

17 CHAIR MAMMINA: Absolutely very much so.
18 We've had -- we've retaining walls collapse that were
19 built without permits because of the way the water
20 backs up on to them.

21 So Mr. Donatelli --

22 MEMBER DONATELLI: Well, again --

23 CHAIR MAMMINA: -- what do you think?

24 MEMBER DONATELLI: I'm going to ask staff if
25 we have any other members of the public who want to

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2 be heard.

3 MS. ALGIOS: So no one has indicated in the
4 attendee list or in the chat that they would like to
5 speak on this.

6 MEMBER DONATELLI: Okay. So Mr. Chairman,
7 I'm very familiar with the area Plandome Road as well
8 as with Yacht Club Drive and I know that I -- as most
9 of the Board Members are, if not all of us, I do
10 acknowledge the uniqueness of this property.

11 It does have three front yards, although
12 as I believe it was Jay who pointed out really the
13 house fronts Beachway and the other yards, perhaps it
14 was Ms. Goodsell, I don't recall. But the Plandome
15 Road side really operates as a side yard and the
16 Yacht Club Drive really operates as a rear yard.

17 I also note that there's quite a bit of
18 foliage along Yacht Club Drive, which arguably is the
19 most effected of the roads so that also I see is a
20 mitigating factor. In terms of the HVAC units,
21 that's the natural place for them and this would not
22 be before us, had this not been a unique property,
23 those would have been of right had this not been
24 uniquely situated.

25 I think the Board knows and hopefully

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2 most of the members of the public know and I'm
3 extremely skeptical when it comes to paving in the
4 front yard. We've had some applications that I can
5 recall on I U Willets Road where some Applicants have
6 requested a greater amount of paving than otherwise
7 allowed by law.

8 But again, that was really resulting
9 from the traffic on that street. And I think we have
10 a similar situation here with Plandome Road which is
11 also very heavily trafficked. In this instance
12 because this house fronts on three different streets.

13 The Applicant did have the opportunity
14 of relocating the garage so that it sits
15 perpendicular to the house and as result, a larger
16 driveway than otherwise would be allowed is required
17 for the turning radius into that.

18 Having said all of that, I make a motion
19 that we grant the application.

20 CHAIR MAMMINA: We have a motion from
21 Mr. Donatelli.

22 Do we have a second?

23 MEMBER GOODSSELL: I'll second.

24 CHAIR MAMMINA: A second from Mrs. Goodsell.

25 Ms. Wagner, please poll the Board.

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2 MS. WAGNER: Member Goodsell.

3 MEMBER GOODSSELL: Aye.

4 MS. WAGNER: Member Hernandez.

5 MEMBER HERNANDEZ: Aye.

6 MS. WAGNER: Member Donatelli.

7 MEMBER DONATELLI: Aye.

8 MS. WAGNER: Vice Chairman Francis.

9 VICE CHAIR FRANCIS: Yeah, before I vote I
10 just want to point out that this property has been
11 before us on a different appeal for fencing. And at
12 that time, we spent a considerable amount of time
13 vetting the issue with the uniqueness of this
14 property. And certainly it is a unique piece of
15 property with regard to Port Washington.

16 So I just wanted to point that out and I
17 also vote aye.

18 MS. WAGNER: Chairman Mammina.

19 CHAIR MAMMINA: I vote aye as well.

20 So the application is granted and I saw
21 Ms. Urban give a smile when we first asked to poll
22 the Board and that's always a nice thing. And as I
23 said, nice job on the drawings. They look great.

24 MR. HIGGINS: Mr. Chairman, members of the
25 Board. Thank you very much for your time.

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2 CHAIR MAMMINA: You're welcome, Mr. Higgins.

3 You also did a great job.

4 MR. HIGGINS: Thank you.

5 MEMBER DONATELLI: We all did a great job.

6 CHAIR MAMMINA: We all did a great job.

7 MR. HIGGINS: I can't draw though.

8 CHAIR MAMMINA: You don't have to. Okay.

9 And sometimes I think I'm a lawyer. Thank you all.

10 We appreciate it.

11 MS. URBAN: Thank you.

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1 APPEAL # 21180

2 MS. WAGNER: Okay. Next Appeal, Appeal
3 #21180 Jason Miller; 38 Reid Avenue in Port
4 Washington. Section 5, Block 61, Lot 274. In the
5 Residence-A Zoning and Port Washington Historic
6 Overlay District.

7 Variances from 70-29.C, 70-30.C and
8 70-101.B to construct additions that are too big and
9 an open porch portico that is too close to the
10 street.

11 CHAIR MAMMINA: You've heard Appeal #21180,
12 Jason Miller.

13 Is there anyone in the room who is
14 interested in the application other than the
15 Applicant? And if so, please get your hand into --
16 up into the chat and with that said, if we can --
17 Ms. Algios, if we can promote Mr. Nicolaides. Thank
18 you.

19 MS. ALGIOS: So Mr. Nicolaides has been
20 promoted. He's -- he just raised his hand.

21 MEMBER DONATELLI: He's also on mute.

22 MS. ALGIOS: He may be having trouble --
23 there we go.

24 MR. NICOLAIDES: Good morning. I have a
25 little technical matter I'm -- I will be presenting

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2 it but they'll be a colleague in my office would like
3 to have control of the screen and he will be
4 providing us the visual presentation.

5 MS. ALGIOS: So what is the name of that
6 colleague?

7 MR. NICOLAIDES: William Van Duzen. He came
8 into the chat room.

9 CHAIR MAMMINA: Yes, I see him in the chat.

10 MR. NICOLAIDES: So if we can promote him as
11 well and then we can begin.

12 MS. ALGIOS: Promoted.

13 MR. NICOLAIDES: So Will, can you put the
14 presentation on the screen please?

15 CHAIR MAMMINA: Okay. And I just want to
16 confirm you can still hear me?

17 MEMBER GOODSSELL: Yes, we can.

18 MR. NICOLAIDES: Okay. My name is Harry
19 Nicolaides. My first N2 Design & Architecture, PC.
20 Our address is 315 Main Street Port Washington, New
21 York. I'm here representing the Millers, Jason and
22 Lauren, at 38 Reid Avenue.

23 Very interesting assignment. The --
24 they have happen to live on the Port Washington -- in
25 the Port Washington Landmark District for North

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2 Hempstead. And this is truly one of the unique
3 assignments that they've come to us and they're
4 actually a nonconforming house within the Landmark
5 District. They came to us because they wanted to
6 become conforming voluntarily, which does -- as I
7 mentioned, is truly unique.

8 But I will give you full disclosure that
9 both Frank Genese, my partner and myself happen to be
10 Landmarks Commissioners for the Town of North
11 Hempstead. Deborah knows us in that capacity as
12 well. So we undertook a voluntary assignment on the
13 part of the owners so they've lived there about two
14 and a half years with their two children and they
15 love the street they're on. But every time they came
16 home and looked at their house, they kind of said it
17 doesn't fit within the neighborhood.

18 So they charged us with the assignment
19 of recladding their house with some minor
20 architectural assignments that we felt were necessary
21 with no increase to the interior of their house or
22 relocation of anything, so they more comfortable fit
23 within the landmark character of that street.

24 We did -- and one of the requirements of
25 North Hempstead is that we go before Landmarks first

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2 before we go before the BZA. So I may have thought
3 that that was a little backwards, but that's the
4 protocol.

5 So we did present our proposal of how to
6 reclad that house to Landmarks and with their
7 rigorous review and approval, we now find ourselves
8 to address the two nonconformities that as a result
9 of the Landmarks approval, we are here today.

10 MS. ALGIOS: Harry, Harry, I'm sorry to
11 interrupt --

12 MR. NICOLAIDES: Please do, please do.

13 MS. ALGIOS: I note for the record that you
14 have recused yourself.

15 MR. NICOLAIDES: Yes, Frank and I did recuse
16 ourselves from that presentation so they were lacking
17 the input of two architects, but I guess they did
18 okay without us.

19 So with that, and again Deborah, thank
20 you. I will first offer that if David looked at my
21 license, it's probably as old as his. So we'll -- we
22 won't worry about the age of the architect of
23 presenting at this point.

24 CHAIR MAMMINA: Mr. Nicolaidides, that's why
25 neither of us runs the slide show themselves.

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2 MR. NICOLAIDES: Exactly. Well put, David.

3 CHAIR MAMMINA: I have one of my associates
4 come in.

5 MR. NICOLAIDES: That is a true confession.

6 CHAIR MAMMINA: Not -- not touching that.

7 MR. NICOLAIDES: So we'll move on from there.

8 But this is the front of the house as it
9 exists today and we really as you may have been clear
10 on the nonconformities, we really have two different
11 issues: We have a front yard setback issue or I
12 really should say an average front yard setback issue
13 and we have a gross floor area issue. So we're going
14 to tackle these one at a time for the purposes of
15 clarity.

16 Will, if you can go to the next slide.

17 So in terms of where we actually are,
18 here's our site plan, the grade out area is -- excuse
19 me, is the front of the house or the area of the
20 entire house. The setback line we have -- again,
21 Reid Avenue is on our right and the setback line of
22 the normal zoning is a 30-foot setback. You can see
23 that line that's being highlighted there.

24 So if this were a zoning issue of the
25 normal minimum code-required setbacks, we actually

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2 are completely conforming.

3 If you can go to the next slide.

4 Now, what happens because of this unique
5 street and the average setback, it pushes us --
6 pushes us back almost ten feet so that's why we're
7 really here regarding that. And if there's really an
8 interesting reason for that that we wanted to address
9 in the next few slides.

10 One of the things to remember about this
11 house, it is about a full story in the air before you
12 get to the front door. The street has some
13 interesting topography and, you know, zoning is great
14 but it tends to be two dimensional. And what we're
15 charged as architects in the way we see things is
16 kind of the way they are in real life, this is not a
17 flat screen where each house is setting next to each
18 other in the same elevation. So we wanted to share a
19 little bit about the properties of that street with
20 you.

21 If you can go to the next slide.

22 All right. So that's our subject
23 property and these are the homes to the left and the
24 right that basically are part of what determines that
25 average setback. So we highlighted in green what I

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2 call the offending property and I mean that in a
3 really complimentary way.

4 48 Reid Avenue for some strange reason
5 is setback uniquely much further back than you can
6 see the other houses to the left and to the right.
7 It also happens to sit about ten feet lower than our
8 actual home. So you'll see -- when we show you some
9 photographs how different it is in terms -- in terms
10 of its impact on the street.

11 If we can go to the next slide.

12 So if you look down at the bottom, we
13 try to cue you where the orange highlighted home in
14 the aerial photograph is our property. This is --
15 the yellow one is the house immediately on one side
16 of the property, you can see how it's quite elevated.

17 Go to the next.

18 That's 34 Reid. The next one is 32 Reid,
19 it's two houses away. And it's also elevated but you
20 can see it's starting to come down in elevation. So
21 we're really trying to explain the kind of rolling
22 hill of this property with really our home being
23 almost at the peak.

24 And if you go down to the next one.

25 That's 46 Reid and it's absolutely flat

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2 so you're really on grade.

3 So now we're going to go to the other
4 side. That's the -- the -- what I'll call the
5 offending home at 48 Reid. Not only is it on grade,
6 but it happens to be screened by a 6-foot hedge row
7 so you can't even find it. And then when you kind of
8 poke around and you see it on the next slide, you
9 actually realize that it has a front porch that's
10 actually about five feet closer to the street than
11 how the town measures its setback.

12 Its setback is not measured from the
13 front of the porch but it's measured back at the main
14 house. So in reality, it is closer to the street but
15 the zoning definition requires that we go back five
16 feet before we take that line to establish the
17 average setback.

18 So we're basically making the case that
19 while yes, on paper our average setback is really a
20 problem, in real life we don't feel that it is.

21 It you can go to the next slide.

22 So that's where -- we're back to the
23 house. So our house is way up there, it doesn't
24 lineup exactly with that particular house which is
25 pretty far back, if you don't count the porch. And

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2 it's about 10, 12 feet difference in elevation. And
3 as a result of that, we feel that the enhancements we
4 make to satisfy Landmarks, and we'll show you those
5 in a second, are really not making the house any
6 different than how it sits on the street and the
7 distance back that it occupies.

8 If you can go to the next slide, Will.

9 What we wanted to show you is -- now
10 we're going to show you a couple of other sides of
11 the house so we can address the gross floor area that
12 we exceed because of the improvements we've made to
13 really satisfy this becoming a Landmarks-conforming
14 house.

15 This is the existing side that has the
16 garage and we'll show you what we did in our
17 Landmarks approval and if you go to the back which is
18 the next slide. That little recess that you see on
19 the second floor which also has a notch in the roof
20 is the other area we made some changes to the gross
21 floor area to satisfy our best professional opinion
22 on how this would become a more conforming home.

23 If you can go to the next slide.

24 So here's the house that we proposed to
25 Landmarks and got approved. Part of what we did to

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2 give it a different character rather than that sort
3 of arched cutout that was really in a builder's
4 stucco house. We reclad the house, had cedar siding,
5 we added more traditional trim to it and we gave it a
6 front portico. The front portico -- we had to
7 flatten out of the front of the house to touch the
8 portico which created the front yard encroachment.

9 If you go to the side, the next one.

10 What we did to kind of resolve the
11 garage, that sort of half in and half out of the
12 two-story element of the house, we actually bumped it
13 out by about 9 inches so we can carry the roofline
14 across and better engage it in to the house.

15 If you go to the rear, we took the roof
16 instead of creating this notch for the roof, we gave
17 it a clean lineup, all the way across and we
18 effectively created a balcony for the second floor.
19 Because we now created this enclosure based on North
20 Hempstead zoning, we had to go back and add to that
21 GFA.

22 If you can go to the next slide please.

23 So you can see the two gray areas that
24 we highlighted in the footprint of the house. So the
25 one in the rear, I think, that makes up the lion's

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2 share of what we added and that little sliver where
3 the garage extension was built, again purely for
4 aesthetic purposes.

5 If you can go to the next one.

6 So these are the two you can see in the
7 yellow highlight in our area calculations that are
8 the D1 and the B1 and the B1 and D1 actually add
9 102.02 square feet. That is what we're asking for
10 forgiveness in the gross floor area.

11 And again, they don't increase the
12 interior of the house. We're not adding more house,
13 we're simply cleaning it up for the purposes of
14 making it a more conforming home for the Landmarks
15 District.

16 That you can see the math over here in
17 terms of what that balcony, the garage bump out did
18 to our gross floor area. And I should mention in all
19 of the other requirements from height to plot area,
20 lot coverage, setbacks, other than that front average
21 setback sky exposure planes that are no complain and
22 we comply.

23 Next slide, please.

24 And you know, just a quick -- if you
25 want to give us spin, we'll show what we actually

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2 presented to Landmarks and what we're proposing the
3 house should look in it's more conforming form.

4 And that's without changing the interior
5 house at all. That is really what I'll refer to as
6 an exterior makeover.

7 And next slide.

8 And that's where we are.

9 MEMBER GOODSSELL: Mr. Nicolaides, do I see
10 something on the plan that that little balcony over
11 the front door is what we call an inaccessible
12 balcony. It's there for decorative purposes only.

13 MR. NICOLAIDES: Correct.

14 MEMBER GOODSSELL: And the one in the back,
15 the back balcony in the back, also inaccessible?

16 MR. NICOLAIDES: No, because we actually took
17 advantage of that the terrace to be inaccessible. We
18 did allow that to be a door out from the master
19 bedroom.

20 MEMBER GOODSSELL: I did see french doors or
21 double door looking there.

22 What's the square footage, is it enough
23 to put two chairs up there?

24 MR. NICOLAIDES: Yeah, and that's it. It's
25 the cup of coffee in the morning when you come out of

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2 the bedroom. You can't quite invite guests out
3 there.

4 MEMBER DONATELLI: Well, as we often say, we
5 are not a -- an architectural review Board in the
6 sense that we're not concerned with aesthetics,
7 that's not part of our mandate.

8 On the other hand, because this area is
9 in the Landmarks District and because you are
10 actually -- I would agree with your assessment, that
11 you're bringing the house closer to conformity as
12 opposed to its condition, which I think really is not
13 in conformity with the Landmark -- with other
14 buildings in the Landmark District.

15 So I, for one, do appreciate the
16 aesthetic difference that you're making in the house.
17 I also think that as a matter of zoning law that you
18 are bringing the house more in conformity with the
19 character of the other houses in the neighborhood.

20 MR. NICOLAIDES: Thank you. Actually, we
21 have a few slides of some of the conforming homes,
22 the historical homes on the street.

23 Will, do you want to just flip through
24 those a little quick? This is one of them.

25 That's another one.

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2 And I think there's -- so that gives you
3 the character of the street. And that's really why
4 we felt that what we're proposing.

5 And I've gotta say, the Millers are an
6 amazing couple. I really don't know anybody who
7 voluntarily spends a small fortune so that they felt
8 more comfortable with their neighbors. They've
9 gotten amazing support from the neighbors who are
10 really giving them, you know, the thumbs up in taking
11 a kind of builder's '60s or '70s home and making it
12 fit into the neighborhood. So I applaud them.

13 MEMBER DONATELLI: It really is. It's a
14 beautiful area of town. And I know that the
15 Landmarks Commission -- the Landmark District works
16 very, very hard to try and maintain that. And so as
17 one Board Member am appreciative of the fact that
18 they are so protective of the area.

19 Do you know when this house was built
20 originally?

21 MR. NICOLAIDES: I want to say '60s or '70s.
22 But I have the -- actually the couple is available if
23 we want to quiz them directly. They're both on here.

24 MEMBER DONATELLI: My question is, and can
25 certainly have them address it if they know, do we

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2 know how it come to be that the house is already over
3 allowable gross floor area?

4 MR. NICOLAIDES: I don't. That was an
5 existing nonconformance -- they just came in, 1997,
6 so this is actually a newer house. This is -- it was
7 actually clad in what we refer to as Dryvit, or that
8 kind of synthetic stucco finish. So it's really not
9 a very sensitive material cladding for a residence.

10 MEMBER DONATELLI: Yeah, no, my question is
11 though: It's already 4,193 square feet. So my
12 question is: How did it come to be an extra 193
13 square feet above allowable?

14 MR. NICOLAIDES: And I don't know the answer.
15 But what from what we checked in terms of the
16 records, there was no -- it might have been a change
17 in the zoning, I don't know if any of those lot
18 coverage standards changed from one generation of
19 zoning to the other.

20 MEMBER DONATELLI: Okay. The other thing
21 that I will -- that I will point out and,
22 Mr. Nicolaides, you really spent quite a bit of time
23 on this and I agree with you that the -- the changes
24 in elevation add to the character of the neighborhood
25 and they also tend to deemphasize some of the visual

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2 aspects of the front yard setbacks.

3 So that what might otherwise appear to
4 be too close to the street, might not appear to be
5 too close to the street given the fact that it is so
6 substantially above elevation of the street level.

7 So if again, it makes it a little bit
8 different from what it might have been, had it been a
9 perfectly flat area.

10 MR. NICOLAIDES: Exactly. And yes, I could
11 only agree to agree.

12 MEMBER DONATELLI: I don't know if the other
13 Board Members have any questions.

14 MEMBER GOODSSELL: Well, not so much a
15 question as a comment. It is a beautiful area and
16 driving up that street is -- they're all stately
17 homes, they're all absolutely beautiful homes. And
18 big yellow house on the hill does kind of stand out.

19 Obviously, somebody thought yellow
20 looked great and in the Caribbean I'm sure it does.
21 And I realize that we're not an aesthetics board.
22 But we have to be conscious of that and I think the
23 drawings and -- and the proposals look very
24 appealing.

25 MR. NICOLAIDES: Thank you.

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2 MEMBER DONATELLI: Yes. Let me also add that
3 I think that the existing arch over the door is way
4 out of character with the existing neighborhood. So
5 that by going to a more traditional portico, open air
6 portico I think you're actually bringing the house
7 more in compliance with the other areas, I think I
8 said this before. But it visually, it makes it fit
9 in better with the character of the neighborhood.

10 If -- do we have any members of the
11 public who want to be heard on this?

12 MS. ALGIOS: Let's just -- no, nobody has
13 indicated that they would like to speak on this.

14 MEMBER DONATELLI: All right. Mr. Chairman
15 I'm going to make a motion, I think that the --

16 MS. ALGIOS: I'm sorry, wait -- no, that
17 looks like the homeowner. The homeowner raised --
18 Fred Miller, is that? I don't know if that's the
19 homeowner. Let me just see if this person would like
20 to speak.

21 MR. NICOLAIDES: And Will, could you go back
22 to the slide of our house? Thank you.

23 MS. ALGIOS: So Mr. Miller, you've been --

24 MR. MILLER: Hello.

25 MS. ALGIOS: Yes.

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2 MS. MILLER: Can you hear us now?

3 MS. ALGIOS: Yes. Are you the homeowners?
4 You just muted yourself.

5 MR. MILLER: Can you hear us?

6 MS. ALGIOS: Yes. Are you the homeowners?

7 MR. MILLER: This is Catherine and Frederick
8 Miller. Can you hear us now?

9 MEMBER DONATELLI: You keep going on mute.

10 MS. ALGIOS: Yeah.

11 MS. WAGNER: We can't hear you now. Now we
12 can.

13 MR. MILLER: We're Frederick Miller and
14 Catherine Hill-Miller. We live -- we're no relation
15 to the homeowners but we live right across the street
16 which makes it a little bit confusing for the mail.

17 But we do endorse the -- our neighbor's
18 design. We think it is a great improvement over the
19 stucco house which came apart about as we recall
20 during the formation of the historic district back in
21 the '90s, we bought our house in '94.

22 And we were not consulted on this, on
23 the existing stucco house which was a compromise with
24 the builder we understand it.

25 But the long story short, we think that

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2 the design is a vast improvement and we support it.

3 MEMBER DONATELLI: Thank you.

4 MS. WAGNER: Thank you for your comments.

5 MS. MILLER: Yeah, may I add one more thing.

6 My name is Catherine Hill-Miller and I'm Fred's wife.

7 And the -- I would go so far as to say that the

8 existing stucco house was so unpalatable to us that

9 we deliberately planted a tree in the front yard to

10 block our view of it.

11 So I'm not saying we will cut down the

12 tree when the Millers redo the house out. But it's

13 such an improvement and I thank them for doing all of

14 this.

15 MEMBER DONATELLI: All right. Thank you for

16 your input.

17 CHAIR MAMMINA: Yes. Thank you.

18 MEMBER DONATELLI: Well, Mr. Chairman, if

19 there's no one else for -- again, I'm very familiar

20 with the area, I've gone and up down Reid many times.

21 I -- and I'm very appreciative of the fact that the

22 Landmark District has signed on to this. I think

23 that I agree with their findings, that this will

24 bring the house into greater compliance with the

25 zoning code and with the other houses in the Landmark

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2 District.

3 And while I typically tend to be very
4 skeptical of any square footage that is over the
5 allowable gross floor area, I would note already that
6 the house is already nonconforming by 193 square feet
7 and that the Applicant by this application is only
8 adding an additional 102 square feet and that that is
9 not really increasing the -- or changing in any way
10 the interior of the house.

11 It is merely adding on that one area of
12 the garage that the Applicant addressed to make the
13 house more palatable, the roofline. And also in the
14 rear balcony which, again, is defined as square
15 footage but it's not really increasing the size, the
16 interior size of the house.

17 So for all of these reasons, I make a
18 motion that we grant the application.

19 CHAIR MAMMINA: We have a motion from
20 Mr. Donatelli.

21 Do we have a second?

22 MEMBER HERNANDEZ: Second.

23 CHAIR MAMMINA: Seconded from Mr. Hernandez.

24 And please poll the Board.

25 MS. WAGNER: Member Goodsell.

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2 MEMBER GOODSELL: Aye.

3 MS. WAGNER: Member Hernandez.

4 MEMBER HERNANDEZ: Aye.

5 MS. WAGNER: Member Donatelli.

6 MEMBER DONATELLI: Aye.

7 MS. WAGNER: Vice Chairman Francis.

8 VICE CHAIR FRANCIS: Aye.

9 MS. WAGNER: Chairman Mammina.

10 CHAIR MAMMINA: Aye.

11 And I just want to tack on very quickly
12 without -- without really repeating what
13 Mr. Donatelli said, but I think it's important what
14 he said because we do get, you know, some amount of
15 floor area applications.

16 You know, in that the fact that this is
17 an open space that's enclosed on three sides, it
18 thereafter is considered as floor area. But you
19 know, it really is just -- it's created by the
20 design, you know, of the house which has gone through
21 a Landmarks preservation, you know, committee in the
22 town.

23 So it was carefully scrutinized there
24 and it adds no square footage at all to the house and
25 because of the rise of the land, you know, in there

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2 and the fact that it is in the back, I think it makes
3 it, you know, very unique in terms of what is being
4 asked for, you know, here. And it would be a strong
5 reason, you know, for approving this application. So
6 I think already said "aye," but aye.

7 So the application is approved and thank
8 you very much. We appreciate it all around.

9 MR. NICOLAIDES: Thank you so much.

10 CHAIR MAMMINA: Okay. Thanks,
11 Mr. Nicolaides.

12 MEMBER DONATELLI: Thank you. And thanks to
13 the neighbors for their input.

14 CHAIR MAMMINA: Yes. And Dan, I'll apologize
15 if I repeated you, I tried not to, I just tried to
16 strengthen that point I'm sure as you understand in
17 order to separate, you know, this application which
18 you -- you had already done but it double --

19 MEMBER DONATELLI: Mr. Chairman, I always
20 appreciate the assistance. Thank you.

21 CHAIR MAMMINA: My pleasure. So with that
22 said, can we call the next case?

23 MR. NICOLAIDES: Thank you all.

24

25

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2 CHAIR MAMMINA: And I think Ms. Goodsell is
3 going to recuse on this application. So if you can
4 put that on the record.

5 MEMBER GOODSSELL: All right. I am because --

6 MS. WAGNER: Why don't we call the case
7 first.

8 CHAIR MAMMINA: Okay.

9 MS. WAGNER: Appeal #21181. The Roman
10 Catholic Church of Notre Dame. 45 Mayfair Road New
11 Hyde Park, Section 8, Block 295, Lot 3; in the
12 Residence-B Zoning District.

13 Variances from 70-103(B), 70-37, 70-42,
14 and 70-41(C) to subdivide a property into two lots
15 with one of the lots being too small. To legalize a
16 home on the smaller lot which will be too close to
17 the rear property line and which will have parking
18 spaces which are too small and to legalize the
19 buildings on the larger lot with not having a large
20 enough side yard.

21 CHAIR MAMMINA: You heard Appeal #21181, the
22 Roman Catholic Church of Notre Dame.

23 Is there anyone who has interest in the
24 application, please raise your hand in the chat.

25 And Ms. Algios, thank you for always

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2 having my back on procedure things.

3 And Ms. Goodsell.

4 MEMBER GOODSSELL: Okay. At this point for
5 the record, I'm going to recuse myself because of my
6 personal contact with the Applicant in the property.

7 And Virginia, I -- do you have my cell
8 phone number in front of you? If not, I will email
9 it to you.

10 MS. WAGNER: Yes, why don't you do that.

11 MEMBER GOODSSELL: Okay.

12 MS. WAGNER: I don't know --

13 MEMBER GOODSSELL: Just in case, I'm going to
14 email it to you --

15 MS. WAGNER: Why don't you do that. I do
16 believe I have it.

17 MEMBER GOODSSELL: It will be easier. I'm
18 going to turn off my microphone and I'm going to turn
19 down my camera and I will not participate and I will
20 just wait for you to text me. My cell phone is here
21 when the application is done.

22 CHAIR MAMMINA: Thank you, Ms. Goodsell.

23 MS. WAGNER: So we do have -- we do have
24 several people who wish to speak after this is done,
25 one of whom who had registered in advance to speak on

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2 this appeal.

3 CHAIR MAMMINA: I had seen that so everyone
4 will have the opportunity to speak, and you know, you
5 may be speaking in support, you may be speaking as --
6 in opposition and either way, we just ask that we try
7 not to repeat each other, these are always emotional
8 things, whether positive or negative. So just please
9 keep that in mind.

10 Please give your name and address.

11 MR. APICELLA: Vincent Apicella of Murphy &
12 Lynch; East Norwich, New York for the Applicant.

13 We represent the Roman Catholic Church
14 of Notre Dame. The full name of the religious
15 corporation is it the first page of the addendum to
16 the BZA application as reflected indeed is the Roman
17 Catholic Church of Notre Dame at New Hyde Park in the
18 County of Nassau in the State of New York, a
19 religious corporation.

20 And we would request that the full name
21 of the religious corporation appear in the written
22 decision of the BZA to avoid any issues going
23 forward.

24 We have with us this morning the
25 Reverend John J. McCartney, pastor for the church of

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1 Notre Dame; architect Ralph Castelli of Howell
2 Belanger and Castelli Architects; Adele Castellano of
3 Northcoast Civil, the Applicant's engineering firm
4 and Robert Eschbacher, traffic engineer for VHB
5 Incorporated.
6

7 The property address is 45 Mayfair Road
8 in New Hyde Park is designated on the Nassau County
9 and land and tax map as Section 8, Block 295, Lot 3
10 and is within the (technical difficulties) zoning
11 district.

12 Tax Lot 3 includes the church, rectory,
13 convent, the school, parking areas and other
14 improvements as well as a one-family dwelling that i
15 located on the northeast corner of Aberdeen Road and
16 New Hyde Park Road. And it is the goal of the church
17 to subdivide its property into parcels A and B and
18 with the one-family dwelling located on parcel B.

19 In addition to receiving a number of
20 exhibits, the Board should also have the architect's
21 plans that are delineated as A1, A2, A100 and A200.
22 And as well as from Northcoast Civil. It should have
23 the survey, the partitioning map C1; the parcel A
24 site plan, C2; the parcel B site plan, C3; and also
25 the parcel A site plan C4, with C4 indicating a

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2 pending sale by the church of the property at Tax Lot
3 1. Tax Lot 1 is a small parcel at the corner of
4 Mayfair Road and Aberdeen Road, which I will discuss
5 in a moment.

6 Also on February 7th, I emailed to the
7 secretary of the BZA the following additional items
8 for the Board: A aerial color photograph of the
9 driveways off of Aberdeen Road and New Hyde Park
10 Road; a certificate of occupancy for the convent.
11 And the Nassau County real property records for four
12 properties adjoining or adjacent to the church's
13 one-family dwelling at the corner of Aberdeen Road
14 and New Hyde Park Road.

15 Before proceeding further, we need to
16 note that with respect to Tax Lot 1, the church sold
17 Tax Lot 1 last month. But as Tax Lot 1 appears on
18 the survey, the partitioning map as well as the
19 Parcel A site plans C2 and C4. And having discussed
20 this matter with counsel for the County of Nassau and
21 also counsel for the Nassau County Planning
22 Commission, we ask that we be permitted to submit
23 revised plans to the Board eliminating anything
24 pertaining to Tax Lot 1.

25 However, as the four variances requested

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2 are unrelated to any revisions to be made, we would
3 ask that the Board allow us to proceed this morning
4 with this application, pending submission of those
5 revised plans.

6 CHAIR MAMMINA: We're usually not thrilled by
7 having new plans submitted, you know, at the -- at
8 the hearing. And I'm sure you'll understand -- we've
9 reviewed the plans, you know, ahead of time, looked
10 at the properties.

11 And you know, I mean -- I'm -- I guess
12 I'm not going to suggest with the agreement of the
13 rest of the Board that, you know, we say, you know,
14 we've got to postpone this hearing but...

15 MR. APICELLA: I just mentioned that just for
16 clarity, we would be able to provide the revised
17 plans within approximately three weeks.

18 But as I said, because the four
19 variances are totally unrelated to any revisions that
20 the plans entail, we would kindly request that the
21 hearing proceed at this time.

22 CHAIR MAMMINA: Then I'm going to assume that
23 you will be explaining what those changes are --

24 MR. APICELLA: Yes, yes. Absolutely.

25 CHAIR MAMMINA: -- so we're aware of them.

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2 And you know, and again, I don't want to react to
3 something before it's done. But you know, I am going
4 to assume that we'll continue this case, you know,
5 until we receive those plans and have had, you know,
6 time to review them.

7 MR. APICELLA: Sure. And as I say, the only
8 revision in the plans pertaining to a small parcel on
9 the corner of Mayfair Road and Aberdeen Road and it's
10 specifically delineated on the plans as Tax Lot 1.

11 Essentially, what you're looking at is
12 Tax Lot 3 which is a very large parcel, which has all
13 of the improvements that I just mentioned, including
14 the one-family house at the corner of New Hyde Park
15 Road and Aberdeen Road.

16 On the other side of the property, you
17 have this little I won't say sliver but this little
18 parcel, Tax Lot 3 which was sold by the church three
19 weeks ago. Other than taking that Tax Lot 1 off of
20 all of the plans, there will be no other changes to
21 any of the plans, maps, et cetera, that we will be
22 submitting at a future date.

23 CHAIR MAMMINA: Okay. That sounds simple
24 enough.

25 MS. WAGNER: Mr. Apicella, is Tax Lot 1

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2 considered part of the property now? Is it part of
3 Parcel A?

4 MR. APICELLA: Yes. And that's -- it was
5 noted as part of the property, if you look at the
6 partitioning map, you'll see that obviously we
7 included last fall all of the property which we owned
8 at the time which included Tax Lot 1.

9 That -- and we indicated on the C4 of
10 one of the site plans that there was a pending sale
11 of Tax Lot 1. In fact, that sale occurred last three
12 weeks ago -- four weeks ago.

13 So what we did was we tried to make full
14 disclosure when we submitted the plans in the fall
15 because we had a contract of sale to sell that
16 property pending at that time and we finally closed
17 on Tax Lot 1 in January.

18 VICE CHAIR FRANCIS: Deborah, just a quick
19 question: Normally when we continue an application,
20 the continuance of the application precluded us from
21 making a decision.

22 Is there anything different about this
23 application?

24 MS. ALGIOS: I'm not sure what you mean, Les.

25 VICE CHAIR FRANCIS: Normally if -- I mean,

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2 at the end of this presentation --

3 MS. ALGIOS: Right.

4 VICE CHAIR FRANCIS: -- are we going to be
5 able to make a decision today or is our decision
6 going to be --

7 MS. ALGIOS: I think what we're saying is
8 we'll continue it since they will be submitting the
9 revised plans, so we'll continue it until we get the
10 revised plans and then we will make a decision at a
11 later date.

12 VICE CHAIR FRANCIS: Okay. I just wanted to
13 clarify that.

14 MS. WAGNER: And I think this is something
15 that probably has to go back to be reviewed by the
16 Building Department and determine whether there's
17 anything that Mr. Apicella is claiming that this will
18 not effect any of variances. But I mean, there's a
19 possibility that -- that portioning off that other
20 lot could somehow trigger a new variance.

21 MS. ALGIOS: Well, we would have -- Ginny, we
22 would have buildings confirm that.

23 MS. WAGNER: Yeah.

24 CHAIR MAMMINA: Right. And if that were the
25 case, we would have to hear the case again.

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2 Of course, I'm sure you wouldn't prefer
3 that, nor would we.

4 MR. APICELLA: Right. Well, as I say based
5 upon my analysis and review of the plans, I cannot
6 imagine a situation where the removal of Tax Lot 1
7 from the plans and the map would in any way impact
8 the four variances we are seeking this morning.

9 CHAIR MAMMINA: Okay. And just backing up to
10 your testimony after that certainly good point was
11 made just also to be considered in terms of your
12 timing, going back to the Building Department, you
13 know, and then then communicating with us that
14 there's no change.

15 And I'm looking to the side because I
16 have everything on my screen as well. I don't see an
17 Exhibit C4. Right, C3 goes directly to D1.

18 MR. APICELLA: If you -- if you look what was
19 submitted by Northcoast Civil, you'll see C4. Which
20 is probably the last document.

21 CHAIR MAMMINA: Is that his drawing?

22 MR. APICELLA: Yes.

23 CHAIR MAMMINA: When you said "exhibit", I'm
24 looking through --

25 MR. APICELLA: I'm sorry.

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2 CHAIR MAMMINA: What's titled as exhibits.

3 Okay. I gotcha. Okay.

4 So it's drawings C4 by Northcoast. Got
5 it.

6 MR. APICELLA: Yeah. So when you get to C4.

7 CHAIR MAMMINA: Yep, looking through it.

8 MR. APICELLA: That's the survey.

9 MS. WAGNER: What drawing -- what is on the
10 drawing, what are we looking for?

11 MR. APICELLA: C4, C4 is --

12 MS. WAGNER: What's on it, what is --

13 MR. APICELLA: It's a site plan for Parcel A.
14 The only difference between C2, which is the site
15 plan for Parcel A and C4 which is the same site plan
16 for Parcel A is that C4 specifically has the wording
17 "pending sale". It specifically notes that Tax Lot 1
18 is part of a pending sale at the time of the
19 submission of the documents last fall.

20 So to the right-hand side of the page
21 you'll see the word.

22 MS. WAGNER: Here it is.

23 MR. APICELLA: There it is.

24 CHAIR MAMMINA: Can you point your cursor to
25 it? I see it with a little star.

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2 MR. APICELLA: Right.

3 CHAIR MAMMINA: On the side. Okay. Not the
4 one I would have shown but that's okay.

5 MR. APICELLA: So we wanted to make full
6 disclosure as I mentioned. And after discussions I
7 believe with the Building Department and the
8 architect, this was how it was handled.

9 MS. WAGNER: Okay.

10 MR. APICELLA: May I proceed with the
11 application? I would like to do so.

12 CHAIR MAMMINA: I think also, you know, and
13 I'm not certain that I'm correct and I guess I'll
14 direct the question to Ms. Wagner and maybe
15 Ms. Algios, does that have to be approved by the
16 Nassau County Planning Commission or do we send a
17 letter to the Planning Commission, saying that -- you
18 know, that -- that this doesn't have any effect?

19 MR. APICELLA: By the way, we already
20 addressed that issue. I spoke to Sean Sallie at the
21 Nassau County Planning Commission, Deputy
22 Commissioner Sean Sallie. I also spoke to the
23 Commissioner of Planning Town of North Hempstead, Mr.
24 Levine. And I also spoke to the Deputy Commissioner
25 of the Building Department, Mr. Norjen regarding the

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2 sale of Tax Lot 1 last February, February of 2021.
3 It was discussed at length, I sent additional
4 documents over to Mr. Norjen at that time.

5 I also, as I mentioned, spoke to
6 Mr. Sean Sallie in terms of whether we needed any
7 approvals from the Nassau County Planning Commission
8 to sell Tax Lot 1. He agreed that we did not. We
9 also therefore received a tax apportionment of Tax
10 Lot 1 from Tax Lot 3. We received an approval. The
11 house was sold a few weeks ago and we're expecting a
12 Certificate of Apportionment probably within the next
13 few days.

14 CHAIR MAMMINA: Well, then do you -- it would
15 just seem to me that if you've had almost a year to
16 remove Tax Lot 1 from the -- from the application,
17 and have it examined by the Building Department in
18 that way, you know, that could have been a much more
19 expeditious way to do it.

20 MR. APICELLA: We didn't remove Tax Lot 1
21 from anything. All we did was we submitted an
22 application at the beginning of 2021 for a tax lot
23 apportionment, not a subdivision, a tax lot
24 apportionment, simply apportioning Tax Lot 1 from Tax
25 Lot 3.

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2 So eventually when we went to sell Tax
3 Lot 1, we would have a separate tax classification
4 for Tax Lot 1. So the property continued to be noted
5 on the plans because we continued to own Tax Lot 1 up
6 until January, a few weeks ago.

7 So what happened the beginning of 2021
8 only pertained to tax apportionment. Not -- not
9 removal of the Tax Lot 1 as part of the property that
10 is owned by the church.

11 CHAIR MAMMINA: All right. I mean, I'll
12 leave that to our attorney side. But I don't know it
13 just seems odd to me --

14 MS. WAGNER: I think if the Building
15 Department saw the plans that show Parcel A as not
16 including those other lots, and if it's just a matter
17 of the one plan depicting the lot as being part of
18 this parcel but it's not actually, you know,
19 considered in anything that would -- any calculations
20 that would matter, then I don't anticipate -- and if
21 you said that you spoke to Mr. Norjen --

22 MR. APICELLA: I spoke to --

23 MS. WAGNER: -- and it didn't effect.

24 MR. APICELLA: Right. I spoke to last --
25 last February.

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2 MS. WAGNER: Well, we can -- we can confirm
3 that. But I don't -- you know, I don't think it
4 should hold up.

5 MS. ALGIOS: Yeah. I agree, I agree. So I
6 think we should proceed, I think we're fine to
7 proceed on this. Since we're going to be continuing
8 appeal anyway, we can circle back with the Building
9 Department and just -- you know, we'll just confirm
10 this information and we'll wait to get the revised
11 plans and which have to be reviewed anyway by the
12 Building Department. So I think we should proceed.

13 MR. APICELLA: All right. Now, should we
14 submit those plans to the BZO or to the Building
15 Department?

16 CHAIR MAMMINA: Building Department.

17 MR. APICELLA: Okay.

18 MS. ALGIOS: But if you -- Mr. Apicella, I
19 would just -- I would just also, you know, just maybe
20 send a set of digital plans to Ms. Wagner as well
21 just so she's aware that they came in.

22 MR. APICELLA: All right. I will speak to
23 the other participants, Mr. Castellano and
24 Mr. Castelli. Mr. Castelli, as I noted, is the
25 architect, the Mr. Castellano works for Northcoast

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2 Civil about submitting those documents and plans to
3 the right -- the right people.

4 So if I can continue with the
5 application?

6 MS. WAGNER: Please do.

7 MR. APICELLA: Okay. In terms of
8 introductory background as noted in the 1968 deed to
9 the property, the one-family dwelling located at the
10 corner of Aberdeen Road and New Hyde Park Road had
11 its own tax lot, then Tax Lot 3. With the balance of
12 the acquired property designated on Tax Lots 4
13 through 34.

14 In the 1980s, the County of Nassau
15 merged Tax Lots 3 through 34, creating much larger
16 current Tax Lot 3. Which is again, is everything
17 that the church now owns, period, now that they have
18 sold Tax Lot 1. The merger of Tax Lots 3 through 34
19 in the 1980s, which eliminated the northerly property
20 line of then Tax Lot 3 at the corner was under the
21 Nassau County change orders 79476, which is an
22 exhibit.

23 The old Nassau County Land and Tax map
24 reflecting Tax Lot 3 and Tax Lots 3 through 34 is
25 also an exhibit as is the current Nassau County Land

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2 and Tax Map reflecting the current Tax Lot 3 to
3 approve the subdivision into proposed Parcels A and B
4 we would need four variances which generated the
5 notice of disapproval.

6 The four variances we are requesting are
7 as follows: Code section 70-103(B) to permit two
8 required off-street parking spaces located next to
9 the one-family dwelling on Parcel B., which will be
10 dimensioned 9 feet by 20 feet, rather than
11 10x20 feet.

12 Section 70-37, to maintain the existing
13 one-family dwelling on Parcel B with a lot area of
14 5,421 square feet rather than the minimum area of
15 6,000 square feet.

16 The third variance would be Section
17 70-41C to maintain the existing convent on Parcel A
18 with a side yard setback of five feet, three and a
19 half inches rather than the minimum side yard setback
20 of 20 feet in depth.

21 And four, Section 70-42. To maintain
22 the existing one-family dwelling on Parcel B with the
23 rear yard setback of 11 feet 8 inches, rather than
24 the required setback of 15 feet.

25 As for the convent, it is not currently

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2 used as a living area for nuns but rather provides a
3 facility for various parish religious groups and it
4 is anticipated that the convent will be used in
5 future for those functions and activities now held at
6 the one-family dwelling. In addition, the convent
7 would be used for office use and meetings now held at
8 the rectory and at the school.

9 As noted in Exhibit D3, a setback
10 variance to build the convent was obtained in 1964
11 and the Board should have a copy of the Certificate
12 of Occupancy for the convent issued in 1966 -- excuse
13 me, in '66 which I sent to the Secretary of the BZA
14 earlier this week.

15 As for the one-family dwelling at the
16 corner with the attached garage, it was built in 1941
17 after the Town of North Hempstead BZA on
18 September 4th, 1940 granted an area variance for the
19 construction of a one-family dwelling with a shortage
20 of rear yard area. That's BZA application decision
21 number 582.

22 The decision of the BZA approving the
23 variance and the Certificate of Occupancy for the
24 one-family dwelling issued in 1941 were submitted as
25 exhibits with this application. A copy of the survey

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2 for then Tax Lot 3, dated February 24th, 1941 was
3 also submitted as a separate exhibit for this
4 application.

5 The one-family dwelling is currently
6 used for social ministry, clothing assistance, a food
7 pantry and for various church administrative
8 purposes.

9 Three of the four variances requested,
10 including a lot area variance are for Parcel B which
11 will be essentially the same lot dimensions as old
12 Tax Lot 3 had prior to the merger in the 1980s. One
13 variance requested pertaining to Parcel B is for the
14 side yard setback from the southerly side of the
15 existing convent on Parcel A to the proposed
16 northerly property line for Parcel B.

17 As the Board is aware, there is a
18 balancing test under Town Law Section 267B 3 B, that
19 the benefit to the Applicant if an area variance are
20 granted weighed against the detriment to the health,
21 safety and welfare of the neighborhood or community.

22 Here the benefit to the church if the
23 variances are granted are clear as it would afford
24 the church the opportunity to have the Nassau County
25 Planning Commission, grant subdivision approval,

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2 partitioning Tax Lot 3 into Parcels A and B.

3 As a separate building lot, the church
4 would have the opportunity to then sell the
5 one-family dwelling on Parcel B and use the proceeds
6 as part of its capital fund to improve the interior
7 of the church at Notre Dame parish and make
8 modifications to the convent.

9 Furthermore, the granting of the area
10 variances would not produce any undesirable change in
11 the character of the neighborhood or be a detriment
12 to nearby properties as the one-family dwelling and
13 convent had been at the property for many years
14 without incurring any violations.

15 The only area variance for a new
16 improvement under Section 70-103(B) would be the two
17 off-street parking spaces on Parcel B. Again,
18 dimensions 9 feet by 20 feet rather than 10 feet by
19 10 feet, which variance is not substantial and would
20 not have an adverse effect or impact on the
21 surrounding physical or environmental conditions in
22 the surrounding area.

23 The area photograph mentioned earlier
24 shows the driveways on both sides of Aberdeen Road to
25 each property near the intersection with New Hyde

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2 Park Road. The area variances under Section 70-37
3 for lot area and Section 70-42 for a rear yard
4 setback would effectively return to the church that
5 which it owned prior to the 1980s when it lost the
6 then Tax Lot 3 under the merger of all of the tax
7 lots. And obviously lost the benefit of the rear
8 yard variance it obtained in 1940.

9 While Parcel B at 5,421 square feet
10 would be less than the required 6,000 square feet in
11 the Residence-B district, it would be larger in lot
12 area than many of the surrounding properties in the
13 neighborhood.

14 For example, the adjoining property at
15 5 Aberdeen Road and the adjacent properties at
16 2 Aberdeen Road, 6 Aberdeen Road and 10 Aberdeen Road
17 all have lot areas under 5,100 square feet.

18 And in that regard, I provided copies as
19 I mentioned of the Nassau County property records for
20 those properties, showing the lot area size to the
21 secretary of the BZA earlier this week. And those
22 lot areas reflected on the Nassau County property
23 records are consistent with Exhibit E to this
24 application.

25 Copies of part -- would show copies of

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2 part of the original subdivision map filed with the
3 Nassau County clerk's office on June 3rd, 1940, which
4 also reflects the many properties in the neighborhood
5 under 6,000 square feet.

6 Also in terms of the justification for
7 the variances under 70-37, that being lot area, and
8 70-42, rear yard setback. The close proximity of the
9 adjacent convent on Parcel A, north of the northerly
10 property line for Parcel B, prevented the church in
11 proposing a Parcel B larger in lot area.

12 As well as the need for the variance
13 under Section 70-41(C) for the side yard setback to
14 the convent on Parcel A is also required due to the
15 location of the northerly property line proposed for
16 Parcel B, which is essentially the same location of
17 the previous northerly lot line of prior to Tax Lot 3
18 prior to the 1980s merger of tax lots.

19 So effectively, what we're asking is
20 that Board grant us a number of variances so that we
21 could effectively return to the property what was at
22 one time Tax Lot 3 dimensionally lot area, et cetera.

23 The proposed new Parcel B as mentioned
24 has a square footage of 5,421 feet. The old Tax
25 Lot 3 had a square footage area of 5,195 feet. And

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2 as I indicated moments ago, many of the adjoining
3 properties are less than what we are proposing for
4 Parcel B.

5 Can you hear me?

6 CHAIR MAMMINA: Yes, as I said when I'm
7 looking to the side, I'm just reading documents in
8 the -- in the -- in the file.

9 Just one small thing that -- that I see
10 and I say it only to protect you because you're going
11 to be coming back anyway. The disapproval as I'm
12 reading it says: "Proposed two required off-street
13 parking spaces are dimensioned 9x20" -- nevermind, I
14 read it incorrectly. Because they're both -- I read
15 that it says one is 9x20, the other is 10x20 but
16 that's not the case, they're both 9x20.

17 MR. APICELLA: Yes.

18 MS. ALGIOS: Chairman, you said the Applicant
19 is coming back. I don't --

20 CHAIR MAMMINA: They're not coming back,
21 they're resubmitting is what I meant. I'm sorry.

22 MS. WAGNER: That's okay.

23 MR. APICELLA: So if I'm clear on this point,
24 we have -- we will shortly complete the presentation.
25 We will then submit the revised plans to the Building

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2 Department and we will provide a digital copy to the
3 BZA. I will speak to the architect and the engineer
4 in that regard.

5 And I assume after we see the revised
6 plans, if, in fact, they do not impact in any way the
7 four variances under discussion we will then receive
8 a decision from the Board.

9 MS. ALGIOS: That's correct.

10 CHAIR MAMMINA: Yes.

11 MEMBER DONATELLI: Do we have any members of
12 public who want to be heard on this?

13 MS. ALGIOS: Yes, we do.

14 MS. WAGNER: Deborah, can I give --

15 MS. ALGIOS: Is the Applicant done with the
16 presentation? Is there anyone else on your team that
17 would like to speak?

18 MR. APICELLA: I would leave that up to the
19 architect, Mr. Castellano, for the -- Northcoast
20 Civil. And also for McCartney if he wishes to add
21 anything.

22 CHAIR MAMMINA: Did you -- did I hear you say
23 that you have Bob Eschbacher with you also?

24 MR. APICELLA: Yes. Robert Eschbacher is
25 part of the -- of the team.

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2 CHAIR MAMMINA: All right. Because I don't
3 want to tell you how to do your presentation, you
4 know, you've done a terrific job. But because you
5 have that one parking, you know, variance in there,
6 you know, you may want to just have Mr. Eschbacher
7 put something on the record.

8 MR. APICELLA: Absolutely. That's why I say
9 we're not finished, that's why I said at the
10 completion of the presentation.

11 CHAIR MAMMINA: But let's not -- let's --
12 let's -- you finish your presentation and then we'll
13 have the public speak and then you'll have the
14 opportunity if there's anything else that you want to
15 rebut.

16 MR. APICELLA: At this point I would like to
17 have Mr. Eschbacher address the parking issue and
18 then if there are any questions for the architect or
19 the engineer, we can do that next.

20 CHAIR MAMMINA: Okay. Good.

21 MR. ESCHBACHER: Good afternoon, Mr. Chairman
22 and Members of the Board. My name is Robert
23 Eschbacher with VHB Engineering. My office is
24 located at 100 Motor Parkway in Hauppauge.

25 I was retained by Notre Dame Church to

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2 evaluate the issue regarding the stall width for the
3 proposed driveway. There are several factors that
4 I'd like to bring to the attention of the Board for
5 their consideration:

6 First of all, the ten-foot stall width
7 is the same width as the Town requires for commercial
8 parking lots, including shopping centers and office
9 buildings which serve the general public and have
10 very frequent turnover. Unlike a residential
11 driveway which is primarily used by the people that
12 live in the house and are used to pulling in and out
13 every day and are familiar with the conditions.

14 Also the 9-foot stall width is standard
15 in many of the towns and villages on Long Island and
16 has been shown to function in a very satisfactory
17 way. And this Board has frequently approved this
18 parking stall width for other applications over the
19 years.

20 It is also important to note that the
21 provision of this driveway will reduce the occurrence
22 of on-street parking which takes place along Aberdeen
23 Road.

24 Since the use of the house will change
25 from its church-related functions which have frequent

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2 parking demands without any on-street, on-site
3 parking, then it will change to a residential only
4 use with on-site parking. We rarely have a situation
5 where we're reducing the parking demand and
6 increasing the parking supply.

7 And based upon these considerations,
8 it's my professional opinion that the application
9 with respect to the driveway parking stall width
10 should be approved.

11 I would be happy to answer any
12 questions.

13 CHAIR MAMMINA: Any questions for
14 Mr. Eschbacher?

15 MEMBER DONATELLI: No.

16 CHAIR MAMMINA: Thank you, Mr. Eschbacher.

17 Does anyone have any questions for the
18 civil engineer or the architect?

19 MEMBER DONATELLI: No.

20 CHAIR MAMMINA: Okay. So I would say then
21 let's bring the -- let's promote the public, I guess,
22 in however you do that so well, Deborah, thank you.

23 MS. WAGNER: Deborah, if you can promote
24 Mr. Weedon because he registered to speak first.

25 MS. ALGIOS: Yes.

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2 MS. WAGNER: Thank you.

3 MS. ALGIOS: So Mr. Weedon, if you could
4 place your name and address on the record before you
5 give your comments.

6 MR. WEEDON: All right, you can hear me now?

7 MS. ALGIOS: Yes.

8 MR. WEEDON: James Weedon at 6 Mayfair Road
9 in New Hyde Park.

10 So directly across the street from the
11 convent, I've been here since the year 2000 and I
12 certainly have no objection to the church trying to
13 do transactions that make sense for its future, et
14 cetera.

15 Both my kids went to Notre Dame and it's
16 our parish. My mother was buried there and all that
17 stuff. So I want nothing but the best for the
18 church.

19 My concern is the parking and the
20 traffic. So I do think that there will be disruption
21 adding a driveway and all that comes with taking a
22 parking spot off that street. And I understand what
23 the gentleman said about adding parking, not
24 subtracting it.

25 But based on where that residence would

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2 be right there at the corner of New Hyde Park Road
3 and Aberdeen, it's already a dangerous situation when
4 you're trying to pull into that street, there's
5 street parking on both sides, there's street parking
6 really starts too close to New Hyde Park Road. So
7 it's difficult to make that turn around and if
8 there's somebody coming out of Aberdeen onto New Hyde
9 Park Road, you really can't even pull in off it.

10 So it's already a difficult situation
11 and GPS is a wonderful thing but to save people two
12 seconds on their trip, I'm sure it routes people
13 through Kent Road and Aberdeen to avoid the light at
14 New Hyde Park and Hillside.

15 So I would certainly be interested in
16 seeing if this was going to happen that something was
17 done about the people that drive through just to save
18 a few seconds at the -- at the light there and maybe
19 some signs going up at Kent Road and Hillside saying
20 "no thru traffic "-- well, "local traffic only". I
21 think that will certainly help the situation.

22 So I have no objection to anything
23 except my concern for the driveway and the traffic
24 situation. And that's my comment.

25 CHAIR MAMMINA: Thank you. We appreciate it.

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2 MR. APICELLA: If I could just note --

3 CHAIR MAMMINA: You'll -- at the end you can
4 respond then to everybody. So just keep your notes,
5 you can bring your experts up if you want to or the
6 pastor or whomever you see appropriate then once
7 we've gone through everyone from the public. Okay.
8 Thank you.

9 So if we can promote the next person.

10 MS. ALGIOS: I don't think we have anyone
11 else. Let me just doublecheck.

12 MS. WAGNER: There were a few people in the
13 beginning and now I don't see anybody.

14 MS. ALGIOS: Well, I think those hands raised
15 were part of the --

16 MS. WAGNER: The team?

17 MS. ALGIOS: The team. Yeah.

18 So there are no other hands raised.

19 CHAIR MAMMINA: All right. So if there are
20 no other hands raised then -- excuse me -- the podium
21 is yours again. And you can -- you may respond to
22 that comment, or you know, add anything else that
23 you'd like to add, you know, in summation.

24 MR. APICELLA: I would only like to note with
25 regard to the parking issue that the photograph which

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2 I submitted a couple of days ago which shows the area
3 near the corner of Aberdeen Road and New Hyde Park
4 Road which is the aerial, it shows that all the
5 properties in that area have driveways, as does
6 Mr. Weedon's property.

7 So the driveway is quite typical for all
8 of the parcels in that area. Walking up and down
9 Aberdeen, as I did a couple of days ago, I did not
10 find any properties that didn't have the driveway.
11 So all of the properties have driveways. Mr. Weedon
12 has his driveway.

13 And as was noted most importantly by
14 Mr. Eschbacher with this variance, we will have at
15 least a lesson of the on-street parking reduced once
16 that variance is approved.

17 CHAIR MAMMINA: Okay. Then if that -- if
18 that is it, then at this point we will continue the
19 application pending if that's the correct word the
20 resubmission to the Building Department, copying
21 Ms. Wagner, you know, digitally on that and --

22 MS. WAGNER: Chairman, can I just ask a
23 question of Mr. Apicella?

24 CHAIR MAMMINA: Please.

25 MS. WAGNER: Mr. Apicella, one of the plans

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2 that you submitted do not include those three lots.

3 So what would be different from that plan?

4 MR. APICELLA: Well, if you -- all right. If
5 you look -- take a look at the -- let's start with
6 the --

7 MS. WAGNER: Can I show you which one? I'll
8 show you the plan I'm referring to so that way you
9 know...

10 MR. APICELLA: Okay. You also have -- I
11 believe one of the architect's plans references Tax
12 Lot 1.

13 MS. WAGNER: No, I understand that. But I'm
14 just saying that your -- as part of your application,
15 now I'm assuming the same plans were submitted to the
16 Building Department. It does not include any of
17 those three parcels so --

18 MR. APICELLA: I'm not --

19 MS. WAGNER: -- I'm questioning why you need
20 to submit -- if the plan would essentially be the
21 same plan.

22 MR. APICELLA: Well, let me -- let me grab --
23 are we looking at the -- are we looking at the
24 architect's plans?

25 MS. WAGNER: We're looking at this, I'm

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2 referring to this plan here.

3 MR. CASTELLI: Hey Vincent, can I provide a
4 little -- can I provide a little insight on this?
5 This is Ralph Castelli from HBC Architects. We were
6 hired by the parish to prepare the architectural
7 drawings for Aberdeen for this property.

8 I kind of get the conversation about the
9 drawings and the resubmission to the Building
10 Department again and I think that what Ms. Wagner is
11 eluding to is that we may have everything already in
12 place. And if I can just explain the purpose of this
13 drawing that you got up.

14 Ms. Wagner, can you go down to the
15 bottom so I can see the sheet number? I believe this
16 is C4, right?

17 MS. WAGNER: Yes.

18 MR. CASTELLI: So I believe the purpose of
19 this drawing is more to kind of explain that once --
20 once -- what Parcel 3 looks like without the -- what
21 Lot 3 looks like without Tax Lot 1, Tax Lot 2 and
22 Parcel B, once it is officially removed from Tax
23 Lot 1, once we get the approval and we get our
24 property line added and it's separated.

25 So I believe that's what the purpose of

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2 this drawing was supposed to be.

3 MS. WAGNER: Mm-hmm. But I'm saying if the
4 Building Department already considered that Tax Lot 1
5 was going to be removed, if it was not considered
6 part of this overall parcel to begin with --

7 MR. CASTELLI: I don't believe it was. I
8 believe Tax Lot 1 was already a separate lot and it
9 was -- I think we just wanted the Board to know that
10 the parish owned it and they were going to sell it.

11 But in terms of the variances, it had no
12 impact whether we owned it or whether we sold it to
13 the variances that we're requesting on Parcel B has
14 some adjacencies in the variances associated with Tax
15 Lot 3 as it relates to the convent and its proximity
16 to the convent side yard. That's it. It doesn't --
17 it don't impact or go up anywhere near Tax Lot 1.

18 CHAIR MAMMINA: My original questioning was
19 along those same lines, you know, of do you really
20 need to be here, again, a second time. I guess you
21 can try to sort that out.

22 MR. APICELLA: As I say, what -- I'm trying
23 to think ahead and what I want to avoid is, you know,
24 an issue with the -- you know, assuming we get the
25 approval it's an issue with the Nassau County

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2 Planning Commission.

3 You know, having spoken to the attorney
4 for the County of Nassau that is handles the intake
5 of documents for recording and also with Mr. O'Brien,
6 the counsel to the Nassau County Planning Commission,
7 the clear approach here was obviously let's remove
8 all references to Tax Lot 1 from the final plans that
9 are to be submitted to the Nassau County Planning
10 Commission.

11 And also it would be much better, of
12 course, for us to get approvals from the Town of
13 North Hempstead, with those plans without showing Tax
14 Lot 1 since Tax Lot 1 has now been sold.

15 Again, we were caught in the middle
16 because when we submitted everything in the fall, we
17 owned Tax Lot 1 and there's no indication that there
18 was going to be an immediate closing on Tax Lot 1.

19 CHAIR MAMMINA: Okay. I think we were trying
20 to save you time from going back to the Building
21 Department if that is what was already presented to
22 the Building Department and disapproved on the basis
23 of that.

24 MR. CASTELLANO: May I chime in? I just want
25 to share my screen please.

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2 CHAIR MAMMINA: Please just put your name and
3 address on the record.

4 MR. CASTELLANO: Doug Castellano from
5 Northcoast Civil. 39 West Main Street; Oyster Bay,
6 New York.

7 I'm going to share my screen.

8 MS. WAGNER: Is everybody else having an
9 issue with the volume and hearing?

10 MR. CASTELLANO: Do you need me to speak up?

11 MS. WAGNER: Yeah. But I feel like -- I
12 don't know if it's just me. Everybody sounds to
13 be -- except for the people on the Board but I don't
14 know why -- I'm just hoping that the stenographer can
15 hear everybody so if you can try to --

16 MR. CASTELLANO: Yeah, sure. Let me know if
17 you guys can't hear me, I will try to speak up as
18 best as possible.

19 What I'm going to just highlight is
20 basically Parcel A in all of my area calculations
21 throughout C1, C3, even down to C3, I used the area
22 excluding Tax Lot 1. I never included this area,
23 noting that it would be sold.

24 So Parcel A's area is just what you see
25 on the final page here, it's the same area where you

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2 start the whole thing.

3 Parcel 1, I kept separate. On the first
4 page, I show an overall area if I can zoom in. Let
5 me see. It's cut off. So you see Parcel A, Parcel B
6 and then the total. So the total is difference would
7 be Parcel 1 being removed.

8 Parcel A in all of my area calculations
9 has been the same. So nothing would change in terms
10 of my zoning charge, my area calculations, the
11 Building Department did their review based off of
12 those areas.

13 So I just wanted to highlight that
14 because I know that with it being removed, yeah, the
15 plan would look different but none of the numbers
16 itself would change. It doesn't effect the
17 variances, it doesn't effect the areas, it doesn't
18 effect anything.

19 MS. WAGNER: So this -- let me just -- let me
20 just interrupt for one moment. So it seems like
21 based on what you just said and your architect that
22 the Board would be able to render a decision on the
23 plans as submitted. However, since we're continuing
24 this, we can get confirmation from the Building
25 Department.

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2 And then Mr. Apicella, if you would like
3 to submit the revised plans just so you have plans
4 that are cleaned up and for you -- for purposes of
5 you moving forward with this application, you'll have
6 the opportunity to do that as well.

7 MR. APICELLA: Yeah, as I said, I'd like to
8 get rid of all of these issues.

9 MS. ALGIOS: Yes.

10 MR. APICELLA: Anyone eyeing the plans is not
11 being confused by Tax Lot 1. And especially if --
12 again, if this application is approved and we go
13 before the Nassau County Planning Commission but when
14 it comes time to record any deeds --

15 MS. ALGIOS: Yes.

16 MR. APICELLA: -- I don't want to have to
17 explain why certain leaps and bounds descriptions
18 don't match up with Tax Lot 1 and why Tax Lot 1 is on
19 some of these plans.

20 MS. ALGIOS: Yes. And that way also, you
21 know, that way too you'll be keeping the plans
22 consistent, so the Town's plans will be the same as
23 what the county has.

24 MR. APICELLA: Exactly, which I think --

25 MS. ALGIOS: I understand your reasoning for

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2 doing that. But we will be continuing it, so we will
3 confirm with Buildings if there's any reason why the
4 Board can't move forward with making a decision using
5 these plans that you've submitted. But in the
6 meantime, you'll get us the cleaned up plans.

7 MR. APICELLA: Yes, and I -- in speaking to
8 Mr. Castellano, I think his office can submit plans
9 within a few weeks.

10 Is that correct, Doug?

11 MR. CASTELLANO: Correct. Basically what
12 would happen is that the surveying department would
13 need time to draft up a new overall survey with Tax
14 Lot 1 completely removed. I'll incorporate that into
15 my map, which again, the numbers are the same, it's
16 just removing this upper right-hand portion of the
17 map because it's no longer part of the subdivision.

18 And that's really it, yeah. There's no
19 other major changes, everything else is uneffected.

20 MR. APICELLA: Now, there is some reference
21 to Tax Lot 3 on Mr. Castellano's plans.

22 You know, considering what we're doing
23 now maybe, we can move them as well, Ralph. Ralph.

24 CHAIR MAMMINA: You're muted.

25 MR. APICELLA: I can't hear you.

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2 CHAIR MAMMINA: He's muted.

3 MR. CASTELLI: Sorry for that, I was looking
4 for the unmute button.

5 Yes, Vincent, we could definitely sort
6 through that and take any references out that need to
7 be taken out. But it's minor at best.

8 MR. APICELLA: Right. Yeah, most of it is
9 with Northcoast.

10 CHAIR MAMMINA: Okay. If there's nothing
11 else, Mr. Apicella, we're going to close -- well,
12 we're not going to close the hearing. We'll continue
13 the hearing, you know, and you can sort out from your
14 side as we'll do from our side, and you know, and
15 just make sure if you need to come back. If you
16 don't need to come back, wonderful.

17 If you do or if you want to just -- just
18 to keep all the records straight, I certainly
19 understand. That makes a lot of sense.

20 MR. APICELLA: Just so I'm clear about this,
21 once we submit the plans should I confirm with the
22 secretary of the BZA that we do not need to come back
23 for a further discussion on any of these points? And
24 that the plans in the revised form are acceptable and
25 then from there, we get our written decision?

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2 CHAIR MAMMINA: I think Ms. Wagner will also
3 check that on -- based on who gave you that
4 information.

5 Is that correct, Virginia?

6 MS. WAGNER: Yes, we'll let you know. But
7 it's unlikely that you would have to return for a
8 hearing based on what we've talked about.

9 MR. APICELLA: So once -- once we -- once we
10 submit the revised plans within a given period of
11 time, we receive a written decision?

12 MS. ALGIOS: So the Board -- so the Board
13 meets twice in March on March 2nd and March 23rd. So
14 you know, given whenever -- that's when the Board
15 makes its decision on -- when it meets.

16 If we have everything, you know, in
17 order prior to that, then the Board may, you know, be
18 able to consider it at one of those meetings. You
19 know, after that again there are two meetings in
20 April. If you don't have them in by then, you know,
21 we have two -- two chances in April for you to get
22 the decision.

23 MR. APICELLA: Thank you very much for your
24 time. I appreciate it.

25 CHAIR MAMMINA: You're welcome. Thank you

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2 all.

3 MS. ALGIOS: Thank you.

4 MEMBER DONATELLI: Thank you.

5 MS. WAGNER: Chairman, can we take a
6 ten-minute break or so?

7 CHAIR MAMMINA: I think we can. So that's
8 it. We'll be about ten minutes or so. We'll say a
9 quarter to 1, is that good?

10 MS. WAGNER: Yeah, 12:45 is good. And I'll
11 let Patricia know.

12 CHAIR MAMMINA: Okay. Thanks all.

13 Whereupon, a short break was
14 taken.

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1 APPEAL # 21182

2 MS. WAGNER: Next Appeal #21182, Maria De
3 Amorim. 5 Tudor Drive, New Hyde Park, Section 8,
4 Block 303, Lot 20; in the Residence-B Zoning
5 District.

6 Variances from 70-208.F, 70-40.C,
7 70-101.B, 70-41.A, 70-101.A, 70-41.F. To construct
8 additions to a non-conforming home that are too close
9 to the street and to construct a portico that is too
10 close to the street, to construct an overhang which
11 encroaches too far into the front yard and side yard
12 and to locate a cellar staircase too close to a side
13 property line.

14 CHAIR MAMMINA: You've heard Appeal #21182;
15 Maria De Amorim.

16 Is there anyone on the Zoom that is
17 interested in the application? If so, please just
18 raise your hand in the chat and you will have the
19 opportunity to be heard of course.

20 Please give your name and address, sir.

21 MR. BIVONE: Good afternoon, Chairman,
22 Members of the Board.

23 Richard M. Bivone; 308 East Meadow
24 Avenue, East Meadow. Appearing as the agent for the
25 owner, Maria De Amorim. Subject location 5 Tudor

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2 Drive, New Hyde Park, Section 8, Block 303, Lot 20 in
3 the Residence Zone B.

4 With me today is the owner, Ms. De
5 Amorim. She's on if you can allow her to get access,
6 also you know, in case there's a question. And also
7 Vincent Bresnaider who is the architect of record for
8 the project is also on.

9 MS. ALGIOS: Okay. I just promoted both of
10 them.

11 MR. BIVONE: Thank you.

12 MS. ALGIOS: You're welcome.

13 MR. BIVONE: Mrs. De Amorim is requesting
14 approvals for variances to renovate their family's
15 dwelling for additional living space for their
16 children.

17 You will notice that the property has an
18 irregular pie shape, being 40 feet width in the front
19 of the front property line and the rear shape is a
20 scalene triangle with no sides being equal with the
21 width of approximately 89 feet plus or minus.

22 Currently as noticed on the survey that
23 you have up right now, you will see a 12.2x14.1
24 one-story addition off the northeast rear corner of
25 the dwelling which will be removed if this project is

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2 approved. A proposed 16x21 one-story addition will
3 be added for a kitchen addition itself.

4 You will also notice from the prepared
5 plans and the updated survey, there's an existing
6 frame shed which is located attached to the detached
7 garage in the rear yard. It is called out to be
8 removed from the property, again, regardless of what
9 the decision is, will that -- will be removed due to
10 the fact that doesn't have any permits at all.

11 The existing basement has two areas of
12 nonliving space and they will only be used as
13 recreational space and we're proposing a side yard
14 cellar entrance. The new one-story addition will
15 have an expanded basement for storage and for a
16 workshop.

17 As the Board is aware, the current
18 Building Code of the State of New York requires an
19 emergency means of egress for any type of space below
20 grade, therefore the proposed cellar entrance
21 provides the emergency means of egress and the
22 ability for their family to use the basement as
23 recreational space and access to the rear yard.

24 And for the record, there is no plan now
25 or in the future to make the basement space living

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2 space or rentable space. This property will be
3 maintained as a one-family dwelling as it was
4 approved back in the '40s.

5 The first floor was -- is being designed
6 as a more open plan concept with a kitchen, dining
7 and living area with a proposed two-piece bathroom,
8 mudroom and home office. Whereas originally it was
9 proposed as more segregated rooms as designed in the
10 '40s. The bedrooms are being moved to the second
11 floor for the -- the owners' two children and a total
12 of four bedrooms and two bathrooms.

13 The variances that are requested today
14 are 70-40.C which is a front yard, the average front
15 yard setback being 33.7 feet. And due to the
16 proposed second floor edition which will cantilever
17 one foot, eight and a half inches plus or minus
18 forward which will be proposed in the front setback
19 of 31.1 foot setback itself.

20 The minimal -- this is a minimal
21 reduction in the average front yard setback that we
22 have for this property. And again, it's due to the
23 property itself and the overall area looking at the
24 photographs that we submitted to the town.

25 The second variance is 70-41.A; side

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2 yard and side yard aggregate setbacks. The required
3 setback is 7.0 feet whereas we're proposing 5.2 feet
4 this noted at the northeast front corner of the
5 dwelling for the second floor addition. The required
6 addition is -- the aggregate setback would be
7 17.7 feet and the proposed is 13.4 feet.

8 And again, that's due to the second
9 floor addition that's being proposed and will not be
10 further expanding the original dwelling itself.

11 And that leads us to the third variance
12 which is the nonconformity of the existing
13 conditions. So the proposed second story edition
14 increases the nonconformity and therefore any type of
15 an application under the approval that was granted
16 back in the '40s to what we have now, creates these
17 variances but still the second floor will maintain
18 that 5.2 foot setback.

19 Again, as stated the dwelling was
20 originally constructed in 1948 and over time that the
21 Town has granted various permits for different things
22 that were done at the property over time.

23 The fourth variance what we're
24 requesting is 70-101.B. This is for the proposed
25 open portico at the center of the front entrance

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2 which is not to project more than 5 feet into the
3 required front yard. The required setback is
4 28.7 feet, the proposed front yard setback, if
5 approved, would be 25.78 feet and only being an open
6 porch for the family to be able to enter into the
7 house without being, you know, rained on or have
8 adverse weather conditions at that time. And it does
9 add character to the actual proposed plans that were
10 prepared by the architect. This is a 3-foot
11 difference in the setback.

12 The fifth variance is 70-101.A which is
13 encroachments to the required yards for cornices and
14 eaves not more than eighteen inches, whereas the
15 proposed front yard encroachment is 18 inches. The
16 two-foot overhang to the northeast side yard is
17 3 feet from the property line, whereas the required
18 encroachment would be 18 inches from the 5 foot --
19 5.5 foot setback.

20 The sixth and final variance that we're
21 requesting is 70-41.F, which is the area where the
22 required side yard, no closer than four feet to the
23 property line. Again, as I stated in the beginning,
24 we're proposing a basement cellar entrance which will
25 have a 3.5 foot-setback which is only to the outside

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2 foundation wall for the steps.

3 As you go further back into the rear
4 yard, that increases to 10.1 feet and must be noted
5 that's there ample ingress and egress to the rear
6 yard for emergency services from both sides of the
7 property. And again, the cellar entrance basement
8 only will be used as a recreational space if approved
9 by the Board today.

10 The owner has met with surrounding
11 neighbors and secured 6 letters of no objection for
12 this Board approving these variances including the
13 two abutting neighbors. We also researched the
14 records on file at the town and found similar
15 variances issued over time in the surrounding area
16 and we submitted those to the Board and also photos
17 of these houses and also a bird's eye view of the
18 actual area of the block itself.

19 We have variances that were granted:
20 1 Tudor Drive and 9 Tudor Drive, those are the two
21 abutting, 13 Tudor Drive, 17 Tudor Drive, 184 Astor
22 Drive and 188 Astor Drive.

23 The architect had some design
24 constraints and if the Board needs to have him speak
25 on behalf of that, that's actually due to the shape

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2 of the property and the existing conditions and the
3 nonconformity of the existing conditions built so
4 long ago.

5 The front portico and second floor
6 additions were designed not to be what would be
7 previously conducted as a box dormer.

8 Now, this design, as you can see, the
9 front elevation actually gives -- lends character to
10 the neighborhood and any other variances that were
11 granted over time by the Town and just actually works
12 for this community.

13 The proposed renovation, in our opinion,
14 does not have any negative impact to the community or
15 this property. And again, as stated, there are a
16 number of variances that have been approved. We
17 believe that the variances that we're requesting are
18 minimal and they are not substantial.

19 Proposed additions will not create any
20 issue for first responders through the side yard due
21 to the cellar entrance. And this again, this
22 property will be remaining as a one-family dwelling.
23 My client is requesting -- respectfully requesting
24 that the Board approve these variances.

25 She grew up in New Hyde Park, moved out

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2 actually was in the East Meadow community where I
3 live, moved out back in 2021 when she purchased this
4 house and now wants this as her forever home for her
5 family. And we're respectfully requesting an
6 approval.

7 CHAIR MAMMINA: Give me one second, I'm just
8 taking a look at one of the plans.

9 MEMBER GOODSSELL: While you're doing that,
10 David, I'm going to make a comment that I'm very
11 familiar with this area, Mr. Bivone.

12 I haven't heard the expression "scalene
13 triangle" since tenth grade geometry, so kudos to
14 you. I was going to say pie shaped. This is a
15 pie-shaped piece of property.

16 I did note that this is -- of the other
17 eight or nine houses on the circle, I think this is
18 the only one that does not have a portico. So the
19 portico does not bother me in the least, this is a
20 rather -- this is going to be a rather substantial
21 home. I believe during my term on the Board, one of
22 the other properties did come in front of us and
23 these are deceptively large homes that have a very
24 small street view but a large piece of property in
25 the back. I -- as one Board Member, I think my one

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2 hesitation is the cellar entrance.

3 So David, if you were going to say
4 something.

5 CHAIR MAMMINA: The -- I think the other
6 thing that we look at is, you know -- you know,
7 knowing that this is a scalene triangle. I was
8 horrible at math so I just blocked those things out
9 of my mind. People say, how can you be horrible at
10 math, you're an architect. I say no, that's why I'm
11 an architect, I have engineers to do the math for me.

12 The only thing that I see here and I
13 think that we're consistent on and it's not going to
14 make the owner smile, you know, is that when we have
15 deficient side yards, you know, and these are
16 relatively -- these are small, not relatively small
17 at the street, you know, those -- those gable ends,
18 you know, on the -- you know, on the house have the
19 neighbor nextdoor looking at a wall that's 29 feet
20 high.

21 And you know, and you know, we have
22 pretty consistently asked the architect to flip those
23 into a hip where the neighbor next door is only
24 looking at what would be the gutter line, you know,
25 you know, of the -- of the house. You know, and as

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2 I -- it is something again that we've been fairly
3 consistent with. I don't -- I don't know how the
4 other Board members, you know, feel about that. I'm
5 just one Board member and especially for
6 Mrs. Goodsell who really does know the area, you
7 know, best from all of us.

8 MR. BIVONE: If I can have Mr. Bresnaider
9 address that and before he does, if you notice the
10 photo we submitted, we have the subject location in
11 the middle and the two houses, 1 Tudor and 9 Tudor,
12 both being much larger homes than this home as it is
13 because about it was never renovated.

14 So we do believe that it will be in
15 character with the neighborhood and also with fact
16 that, again, there's no way of getting around the
17 fact that it is somewhat of a pie-shaped property
18 which diminishes the side yard setback that are in
19 the front, but you'll notice the walls on the other
20 side homes that were approved by the town.

21 So I would like Mr. Bresnaider to also
22 comment.

23 MEMBER HERNANDEZ: Before he does, I would
24 just like to add something to what Mr. Mammina said.
25 I agree with him about the size of the house, but the

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2 other thing that bothers me is the overhang in the
3 second floor, bringing the house closer to the street
4 side. You were right, we have approved many homes in
5 the New Hyde Park where they have building above the
6 second floor, but generally speaking they go straight
7 up. They don't encroach an addition.

8 I believe this house is an additional
9 two feet into the front yard on the second floor and
10 then on top of that, you also have the overhang of
11 that small roof slope that you have there.

12 So if I look at the -- whomever is
13 sharing their screen, if you can show the side view
14 of the house you will see that I'm making reference
15 to. It is bringing the house forward much more than
16 the other houses in the area.

17 MS. WAGNER: Okay. That would be me, Jay.
18 Hold on.

19 MEMBER HERNANDEZ: Okay. Thank you.

20 VICE CHAIR FRANCIS: This is the side view.

21 MEMBER HERNANDEZ: That's the side view.
22 That's fine, the right view is fine.

23 As you can see, the second floor of that
24 house comes forward, making the portico come either
25 even further forward as so I think this house was

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2 built, is going to be much, much more forward looking
3 than other houses in the community that are of
4 apparent similar size.

5 But because of the way that second floor
6 comes forward it will hit you in the face. And I'm
7 just wondering again, I don't have the dimensions in
8 front of me, I apologize, I don't have the physical
9 plans to look through. But it appears to be a couple
10 of feet and I was wondering why that second floor
11 needs to be that much bigger than the ground floor
12 when the ground floor used to house the entire house
13 and now it only houses the bedrooms upstairs.

14 MR. BRESNAIDER: Yeah, I think the idea was
15 to get some more space into the bedrooms. Can you
16 guys all hear me? I'm sorry.

17 MEMBER HERNANDEZ: Yes, we can.

18 CHAIR MAMMINA: You have to give your name
19 and address.

20 MR. BRESNAIDER: I'm sorry. My name is
21 Vincent J. Bresnaider. My address is 1645 Stevens
22 Avenue, Merrick, New York 11566.

23 MS. ALGIOS: And are you the architect, sir?

24 MR. BRESNAIDER: I am.

25 MS. ALGIOS: Okay. Thank you.

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2 MR. BRESNAIDER: So as I was saying, the
3 intent of the cantilever, the two-foot cantilever was
4 really just to get some more space into the upper
5 bedrooms. If you can kind of zoom in on the second
6 floor plan if you can some, yeah. The other thing
7 you'll notice is that it only projects roughly a foot
8 beyond --

9 MEMBER HERNANDEZ: That's the first floor.
10 Come to the right.

11 MEMBER GOODSELL: Yeah, to the right.

12 MR. BRESNAIDER: And then down a little bit.
13 A little bit more. There you go.

14 So the other thing you'll notice is it
15 only projects about a foot past the existing -- the
16 existing house punches forward from the -- from the
17 front wall approximately a foot, a little over a
18 foot.

19 So these two cantilevers push
20 approximately a foot past that point. As you can see
21 by the dotted line on the first floor plan and then
22 obviously on the second floor plan too.

23 Now, to address your concern about that
24 skirt roof again, if you can go back to the -- if you
25 can go back to the front elevation. On the second

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2 sheet, yeah. So you know, rather than just having a
3 shear wall go up, it was a way to sort of marry like
4 the portico into the rest of the house as opposed to
5 just having a -- you know, a straight wall go up.
6 This is just a nicer detail.

7 MEMBER HERNANDEZ: You're hiding the fact
8 that wall doesn't go straight up. You need that
9 overhang because the wall does not go straight up.
10 If the wall went straight up you wouldn't need the
11 overhang. So you need to have something to break
12 that.

13 MR. BRESNAIDER: Correct, correct, the
14 verticality of it. And also as you know, you guys
15 are architects, you know, you always have this issue
16 where you have an existing masonry wall and what do
17 you do with that ledge. So this is a way to resolve
18 that detail to get that watertight and also add some
19 nice, you know, some nice character to the front of
20 the house.

21 MEMBER HERNANDEZ: I'm not bothered by the
22 roof overhang, the small roof overhang that you have
23 there, that is a nice architectural feature, it
24 serves a purpose.

25 Like I said, what I'm concerned about is

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2 the fact that now you've taken the second floor of a
3 house that is relatively close to the front of the
4 street level and you've moved it forward even more.

5 MR. BRESNAIDER: Yeah.

6 MEMBER HERNANDEZ: I don't want to call it
7 top heavy but it sort of becomes a muffin top, it
8 sort of comes forward at you and it gives you --
9 visually it actually brings it closer to your eye.

10 And when we talked about the others that
11 we have approved earlier, which we have, we have
12 approved many of these because New Hyde Park has a
13 lot of small capes or had a lot of small capes that
14 are now becoming two-story homes.

15 We have routinely said you can go
16 straight up the four walls, you're not being --
17 you're not encroaching on the neighbors anymore,
18 you're pitching in those roofs on the sides, the way
19 the neighbors will have a 30-foot wall, a 25-foot
20 wall next to them. You've done what you can to
21 lessen the impact on your neighbors.

22 In this particular design, none of that
23 has been done. And I know that this is something
24 that Mr. Mammina usually is the one that jumps on but
25 I think it's appropriate that, you know, this is a

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2 very tight lot. It is a pie-shaped lot as we
3 commonly call it and it is -- the front is very
4 tight. It's very tight and close.

5 CHAIR MAMMINA: I'm looking -- I'm looking at
6 the house, you know, on Google Street View now and
7 the house on the left and the house on the right both
8 have their roofs.

9 You know, they're -- they're gabled --
10 excuse me -- they're hipped, you know, on the both
11 sides or if they're gabled, it gables in the front of
12 the house, you know, so it tilts away and --

13 MEMBER HERNANDEZ: Do the houses go straight
14 up from the ground floor, from the ground floor?

15 MEMBER GOODSSELL: Not the houses on either
16 side, but does the house two doors to the right that
17 does exactly that. I think it's a slightly bigger
18 piece of property. I'm looking at Google Earth, it's
19 a slightly bigger piece of property.

20 CHAIR MAMMINA: And also pointing to the
21 gable, you know, to the hip and the gable, I mean
22 especially when you go down two houses, that roof is
23 almost flat, you know, on -- on that a second story.

24 MEMBER GOODSSELL: Yes, I see that.

25 CHAIR MAMMINA: To me that's bad, it's bad

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2 because the roof is probably going to leak and it's
3 kind of ugly. You know, but I -- we're not an
4 aesthetic Board, you know, and -- but we look at
5 forms and maintaining, you know, the character of a
6 neighborhood.

7 And you know, when I look at the house
8 to the right and I look at the house to the left and
9 I say, yeah, when the guy stands in his driveway he's
10 looking at a gutter line, that's all. He's not
11 looking at something that's almost 30 feet high.

12 MR. BIVONE: So if you allow me to -- I have
13 photographs that I submitted that might help if I can
14 share my screen.

15 CHAIR MAMMINA: You know, you certainly may.
16 I mean, I'm looking at the two -- I'm looking at the
17 two houses on the sides.

18 MR. BIVONE: Right.

19 CHAIR MAMMINA: And that's...

20 MEMBER GOODSSELL: While you're setting up
21 your screen share, Mr. Bivone, did you tell me that
22 you have consents from two houses on either side?

23 MR. BIVONE: Yes, they were submitted.

24 Now do you see my screen?

25 MEMBER GOODSSELL: I do, we do.

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2 MR. BIVONE: So that's to the left, the white
3 house, where you see there's an overhang to the
4 front. And then you have the subject location. And
5 also again subject location, looking right at it.
6 And now that's the house to the right of it.

7 So you still have a projection which is
8 even larger and more pronounced than what's being
9 designed or what we're proposing now.

10 CHAIR MAMMINA: Mr. Bivone, that had to be as
11 of right because there's no way, we never --

12 MEMBER GOODSSELL: We don't approve --

13 CHAIR MAMMINA: -- approve a two-story
14 high --

15 MR. BIVONE: I believe they have variances
16 and I submitted those. Quite honestly, I just have
17 to find --

18 CHAIR MAMMINA: I don't know. If we did it
19 on that one, we really goofed.

20 MR. BIVONE: I know we submitted them this
21 morning.

22 MS. WAGNER: What is the -- what is the
23 address of that property with the two-story portico?

24 MR. BIVONE: The one to the right --

25 MS. WAGNER: The one you're showing. Right

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2 there.

3 MEMBER GOODSSELL: 9.

4 MS. WAGNER: 9 Tudor.

5 MR. BIVONE: They definitely had variances.

6 MR. BRESNAIDER: And this is the shear wall
7 look is exactly what we're trying to avoid. I mean,
8 not to take anything away from that house, but it's
9 just not what we were looking for with that massive,
10 as you described it, essentially a 25 to 30-foot wall
11 in the front there with no visual break.

12 CHAIR MAMMINA: But also that 29-foot wall or
13 whatever it is on the sides speaks to my point about
14 the neighbor on that other side.

15 MR. BRESNAIDER: Yes, I understand that.

16 CHAIR MAMMINA: Looking at a 29-foot wall.

17 MR. BRESNAIDER: Yep. The one next to that
18 though, you'll notice on the one with the chimney
19 going up, it's probably not as tall but it's got a
20 gable wall.

21 CHAIR MAMMINA: It's not as tall and it may
22 have been built as of right.

23 MR. BRESNAIDER: Yeah. It looks to be in the
24 25-foot range, somewhere in there.

25 CHAIR MAMMINA: I mean also that appears to

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2 be, you know, a very long time ago, you know,
3 addition. Not that that -- not that that changes the
4 character of the neighborhood though.

5 MR. BRESNAIDER: Right.

6 CHAIR MAMMINA: But I do think when you look
7 at the size of that wall in the front of the house,
8 you know, that's a -- you know, that's a tough one.

9 You know, and I know it has nothing to
10 do with anything, but a neighbor of mine he started
11 building the house despite what the plans showed with
12 that end wall like that. And I'm not -- I'm a live
13 and let live and I went straight to the Building
14 Department and he had to tear it down but --

15 MR. BIVONE: So Mr. Chairman, Appeal #16557
16 was granted for permit alteration additions to a
17 single-family dwelling within a required front yard
18 side yard setbacks. And that was for number one.

19 Then I submitted to the Board also they
20 had a second variance which was for fences, I
21 believe, that were approved. So let's see, fences
22 exceeding height. And then number nine, I believe,
23 that had encroachments into the side yard,
24 maintenance of extensions of nonconforming one-family
25 dwelling. And that was a much older variance.

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2 MS. WAGNER: Mr. Bivone, what number did you
3 say the appeal number was?

4 MR. BIVONE: For number one it was 16557.

5 MS. WAGNER: Yeah. I don't see that in any
6 of the four that you sent this morning, 16557?

7 MR. BIVONE: Yeah, I sent that -- it was an
8 attachment. And then there was a second variance for
9 the same house and then a third variance, Appeal
10 #10634 which was for looks like #9.

11 MS. WAGNER: Right. But when did you send
12 that to the Board, when did you send that?

13 MR. BIVONE: Hold on, I'll tell you in a
14 second. That was sent at 0755 this morning.

15 MS. WAGNER: Because I had four -- you
16 submitted an email with four variances and I don't
17 think...

18 MR. BIVONE: Right, those were the later ones
19 because we --

20 MS. WAGNER: So you sent something earlier,
21 is what you're saying?

22 MR. BIVONE: Yes, that is correct.

23 MS. WAGNER: Let's see if I can find it.

24 MR. BIVONE: It was 0755.

25 MS. WAGNER: Okay. So you can -- you can

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2 share a copy of that on the screen if you'd like.

3 MR. BIVONE: Yep, let's see if I can. There
4 you go. Can you see that?

5 MEMBER DONATELLI: No, we still have the
6 house.

7 MS. WAGNER: Let me stop sharing.

8 Now we're looking at your screen.

9 MR. BIVONE: And you'll see the variance
10 notice 16557.

11 MEMBER HERNANDEZ: We're still looking at
12 pictures of the house.

13 MS. WAGNER: You're still sharing the
14 pictures.

15 MEMBER DONATELLI: We're looking at 9 Tudor
16 Drive.

17 MR. BIVONE: Hold on, let me get that off.
18 One second I get it. Bear with me for a second. I
19 think we have to take that and then I have to start
20 again and add that. There you go.

21 CHAIR MAMMINA: What's the date on that?

22 MR. BIVONE: 2001.

23 CHAIR MAMMINA: That's gotta be a long time
24 ago.

25 MR. BRESNAIDER: 1 Tudor Drive.

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2 CHAIR MAMMINA: I was absent that day.

3 MEMBER GOODSSELL: You remember that, huh?

4 MR. BIVONE: They did a second variance.

5 CHAIR MAMMINA: No, it says it on there, it
6 says absent.

7 MS. ALGIOS: I think these are for 1 Tudor
8 Drive, the two-story portico is 9 Tudor Drive, right?

9 CHAIR MAMMINA: That's correct.

10 MR. BIVONE: That is 1 Tudor Drive, this is
11 9.

12 MS. ALGIOS: What does that say?

13 MR. BIVONE: 75.

14 MR. BRESNAIDER: Encroachment on the setback
15 area --

16 CHAIR MAMMINA: 1975 doesn't count, even I --

17 MEMBER GOODSSELL: David wasn't born then.

18 CHAIR MAMMINA: My hair was about a foot and
19 a half long then. I can hold the picture up.

20 MR. BRESNAIDER: Yeah, mine too.

21 MR. BIVONE: So just going back to this one
22 and this is the one to the left, number one. I mean,
23 they do have an encroachment into the front yard,
24 they do clearly from the photo that we submitted, it
25 does have an overhang or a cantilever on the dwelling

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2 itself. So again, this is a different design but it
3 still lends character to this renovation.

4 Do you have anything?

5 MR. BRESNAIDER: The only other thing I can
6 say is that we keep in mind is that the existing
7 house, that piece that pushes forward on the existing
8 house, we can go -- do you have a picture of the
9 front of our house again, Rich?

10 MR. BIVONE: Yeah.

11 MR. BRESNAIDER: That entry piece that pushes
12 forward is currently at 31.7 feet from the line and,
13 again, this is due to the fact that we're on the
14 curve.

15 So that practically dead center of that
16 entry element to the property line, 31.7 feet. And
17 what we're asking for these cantilevers is 31.1 feet,
18 so you know, a difference of really only .6 feet.

19 If you know, on a -- from where the
20 house is currently to that we're asking for in terms
21 of those front cantilevers.

22 MR. BIVONE: Hold on, let me get those
23 photos. There you go. Which photo do you want?

24 MR. BRESNAIDER: Just one from straight on.

25 MR. BIVONE: Can you see this?

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2 MR. BRESNAIDER: Yeah. So essentially the
3 front door that's that -- those two bushes are kind
4 of hiding the little jog, but that front --

5 MR. BIVONE: You can see it from the side,
6 you can see it there.

7 MR. BRESNAIDER: Yeah. So the front door as
8 it stands right now is 31.7 from the line and we're
9 seeking 31.1 to those upper cantilevers.

10 MR. BIVONE: So it's a minor -- minor change
11 in the actual numbers.

12 MEMBER HERNANDEZ: Can you go back to the
13 plans? Because that's not what the plans show.

14 MR. BRESNAIDER: Go back to the site plan.

15 MR. BIVONE: I think that you've had --

16 MR. BRESNAIDER: The site plan from the
17 corner of the cantilever.

18 MR. BIVONE: I will stop sharing on my side.
19 You can have it.

20 MR. BRESNAIDER: Yeah, we need -- I guess we
21 need Virginia to put that back up.

22 MS. WAGNER: Okay. You can stop sharing
23 then. You want this site plan?

24 MR. BRESNAIDER: Please, yes. Just kind of
25 zoom in on the front part of the site plan there.

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2 Yeah, perfect. So you see a 31 -- you gotta go down
3 a little bit.

4 So you see the 31.1 that's from the
5 corner, the upper corner of the cantilever because
6 I'm trying to show because as you can see, the
7 property line is in, that's your tightest point. So
8 31.1 is what we're asking for. And you can see how
9 close it is to the existing front entry, that piece
10 that juts forward a little bit on the front of the
11 house, existing. It's a difference of .6 feet.

12 MR. BIVONE: Which would be where the job is
13 in the center of the --

14 MR. BRESNAIDER: Correct. Essentially where
15 the existing front door is right now.

16 MR. BIVONE: Right. It would be a difference
17 of about 6 inches.

18 MR. BRESNAIDER: What do you guys think?

19 MEMBER GOODSSELL: I can't believe the
20 homeowners can't get a car down the driveway, that
21 looks pretty tight to me.

22 I have to tell you, as one Board Member
23 that does not bother me because the other houses on
24 that circle, this is one of the two smallest houses
25 on the circle. And I think the other houses on the

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2 circle have nothing to complain because most of them
3 have a full second story, some of them are a little
4 odd shaped, it's true. But they -- they seem to have
5 what this homeowner would like to do, it's just a
6 difficulty style. And I don't know who else --

7 MR. BRESNAIDER: We're not encroaching any
8 further on the side yards.

9 MEMBER GOODSSELL: I see that, I see that.

10 CHAIR MAMMINA: To me, those -- those side
11 yards that roof has to change. That's just my
12 personal. I'm allowed to vote no.

13 MR. BRESNAIDER: Are you saying -- you're
14 still talking about the gable, right?

15 CHAIR MAMMINA: I'm talking about the gable.
16 And I think that showing that house next door only
17 amplifies the reasons -- the reasons -- the reasons
18 why I think that gable should be turned in.

19 And we're here, you know, for character
20 in the neighborhood. And just because one house or
21 two houses hasn't doesn't mean that we have to then,
22 you know -- that we have to continue it.

23 MR. BRESNAIDER: Understood. The only thing
24 I would add to that, David, if I may. Obviously,
25 let's talk about the -- you know, the side of the

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2 house, that's the tightest the 5.2. So you have 5.2
3 at the front and then we have 10.1 at the back. You
4 see that?

5 CHAIR MAMMINA: Yeah, but nobody drives down
6 the back of the house. People drive down the street.

7 MR. BRESNAIDER: The point that I'm trying to
8 make is somewhere in the middle where that gable
9 occurs where in the seven range. You know, which is
10 what the side yard is.

11 CHAIR MAMMINA: You also have aggregate, and
12 you know, and that's something else to consider.

13 And the reason for aggregate, you know,
14 as I was told many decades ago is, you know, so that
15 the house doesn't look like the Queen Mary floating
16 down the street. And you know, but in this case, in
17 gabling those ends we don't effect in any way, you
18 know, what the homeowner wants in terms of space.

19 MR. BRESNAIDER: Right.

20 CHAIR MAMMINA: It -- because I frequently
21 very sensitive, you know, to -- you know, to that and
22 understanding that they don't have any alternative,
23 you know, in order to achieve something there.

24 And I agree very strongly with
25 Mrs. Goodsell that, you know, this house is not some

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2 McMansion in its -- in its overall. You know, it's a
3 nice-sized four-bedroom house with modest-sized
4 bedrooms, you know, so -- you know, we've seen, you
5 know, applications where the walk-in closet is almost
6 as big as the master bedroom, you know, that you're
7 showing there. And that's not the case here.

8 MR. BIVONE: So Mr. Chairman, is it possible
9 that we leave this -- we continue this and leave the
10 hearing open. Let's talk with the client.

11 MR. BRESNAIDER: Does everybody else feel is
12 this -- is this a deal breaker for you guys in that
13 sense? Because -- does everybody else feel the same?
14 I guess I'm asking the rest of the Board Members if
15 you feel the same.

16 MEMBER HERNANDEZ: We only vote once and I
17 for one Member, I also feel very strong about what
18 the Chairman is saying.

19 So just because other houses in the area
20 like that two-story portico next door, if you came to
21 us today for that two-story portico we never approve
22 it. Even if you have one right next to you.

23 VICE CHAIR FRANCIS: I don't know how it ever
24 got approved in the first place.

25 CHAIR MAMMINA: I believe we should adjourn

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2 this --

3 MEMBER DONATELLI: Before we adjourn, as I
4 look at the plans, I don't see any measurements for
5 the bedrooms in the second floor. Do you happen to
6 have those handy? Because that's part of the reason
7 why we're bumping out the house on the cantilever on
8 the second floor.

9 What are the measurements of those
10 bedrooms, do you know?

11 MR. BRESNAIDER: Yeah. I could grab that for
12 you. One second.

13 MR. BIVONE: The master bedroom looks like
14 it's almost 12 by maybe 18, maybe 15.

15 MR. BRESNAIDER: You want the front bedroom?

16 MEMBER DONATELLI: Yeah, the front two
17 bedrooms, please.

18 MR. BRESNAIDER: Okay, so the -- one second.
19 So the smaller of the two 12-foot-6 wide and I'm
20 going to give you the measurement from where the
21 closet, that's the tightest dimension so 10-foot-9.

22 So 12 and a half by less than 11 and
23 then the other one should be the same width because,
24 you know, 12 and a half wide by 15 and a half.
25 That's the master.

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2 MEMBER DONATELLI: Got it.

3 MR. BRESNAIDER: Which is honestly not huge
4 for a master.

5 MEMBER HERNANDEZ: No, they're not oversized
6 rooms by any means.

7 MEMBER GOODSSELL: Hipping the roof wouldn't
8 change the size of the bedrooms, it would just --

9 MR. BRESNAIDER: No, no.

10 MEMBER GOODSSELL: -- the size of the attic.

11 CHAIR MAMMINA: It would have no impact on
12 what they would like to achieve, you know, inside the
13 house. And it looks like you've got a very pretty
14 house and I'm sure that the gable end will probably
15 do that, you know, as well.

16 MR. BIVONE: So if we can request to adjourn
17 this at this point. And then what we'll do is we'll
18 go back to the drawing board and see what we can up
19 with and then resubmit to the Building Department and
20 then also to the Board to further this in the near
21 future, if possible.

22 MEMBER HERNANDEZ: You don't need to adjourn,
23 we can continue it.

24 CHAIR MAMMINA: We'll continue.

25 MS. ALGIOS: We'll just continue.

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2 CHAIR MAMMINA: So then I think then, Rich,
3 you just need to submit it back to, you know, back to
4 Ms. Wagner. I don't know if you can go back to the
5 Building Department, you know, there's always --
6 because it's kind of your decision, but you know, I
7 don't think that anybody here probably including you
8 feels, let's say, you hit the roof and pull it back
9 four inches that you can create a new variance.

10 MR. BIVONE: Right. Understood.

11 CHAIR MAMMINA: And you probably don't need
12 to go back to the Building Department.

13 MR. BIVONE: Okay.

14 MS. WAGNER: Not to just tip the roof.

15 CHAIR MAMMINA: No.

16 MS. WAGNER: Yeah.

17 MR. BIVONE: We will do that.

18 MS. WAGNER: Okay. So we'll continue for the
19 submission of revised plans and then if you get those
20 into us before the next hearing which is March 2nd,
21 the Board may be able to make a decision at that
22 point.

23 CHAIR MAMMINA: I would just say the sooner
24 the better. Don't need anything fancy, you know,
25 we'd rather move the application along, have the

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2 homeowner get started. You know, the sooner you get
3 it back, usually Ms. Wagner sends them over to me,
4 the rest of the Board, and you know, and you know, we
5 take a look at it, and you know, we have a sense of
6 it when we sit down.

7 MR. BIVONE: Thank you.

8 CHAIR MAMMINA: Okay. Thank you all.

9 MR. BRESNAIDER: Thanks everybody, I
10 appreciate it.

11 MS. WAGNER: Let's -- Deborah, did we check
12 and make sure that there's nobody --

13 MS. ALGIOS: I had just looked before. No,
14 there is nobody with their hand up.

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1 APPEAL # 21183

2 MS. WAGNER: For the next appeal we do have
3 people that have registered so we have to look for
4 those people. For the next appeal is.

5 MEMBER HERNANDEZ: Thank you.

6 MS. WAGNER: Thank you.

7 MS. ALGIOS: Thank you.

8 MS. WAGNER: The next up is Appeal #21183.
9 Tabs Motors of Valley Stream (BP Gas Station); 200
10 Hillside Avenue in New Hyde Park; Section 8, Block 3,
11 Lot 1; in the Business-A and Residence-C Zoning
12 District.

13 Variances from 70-196.J, 70-196.K,
14 70-196.K(4), 70-134, 70-203.G, 70-203.P(2)(a),
15 70-203.P(2)(b) and 70-203.P(2)(f) to construct a
16 replacement gas station with a new convenience store
17 that is larger than permitted without a landscape
18 buffer between the Business and Residential zones,
19 with no provision of perimeter landscaping. A trash
20 enclosure which is not permitted that is too close to
21 the rear property line. Canopy signs not permitted
22 and a ground sign that is larger than permitted.

23 CHAIR MAMMINA: We've heard Appeal #21183.
24 Tabs Motors of Valley Stream; BP Gas Station.

25 Is there anyone on the Zoom who would

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2 like the opportunity to speak?

3 And I do think that we have several
4 people who are registered to speak for that,
5 Ms. Wagner.

6 MS. WAGNER: Yes.

7 CHAIR MAMMINA: Okay. So you'll have an
8 opportunity after the presentation. And the only
9 thing that I will ask you is just to remember to give
10 your name and address. We'll remind you if you don't
11 but let's just move it along.

12 MS. ALGIOS: So one thing -- so one thing
13 just before the Applicant gets started.

14 So there is one item on the Notice of
15 Disapproval and that's the variance for 70-203.P(2)
16 (b), no trash enclosure on the site except where
17 permitted by the Town Board. So that item will be
18 decided by the Town Board, not this Board.

19 As I'm sure, Mr. O'Brien, you're aware
20 that you will be going to the Town Board on this, so
21 that one item there will not be decided by this
22 Board.

23 MR. O'BRIEN: Certainly.

24 CHAIR MAMMINA: Okay. Take it away.

25 MR. O'BRIEN: May I proceed?

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2 CHAIR MAMMINA: Yes, please.

3 MR. O'BRIEN: Good afternoon, Mr. Chairman,
4 honorable members of the Board, Council Members,
5 Ms. Wagner.

6 Kevin O'Brien from O'Brien Law PC
7 offices at 462 Sagamore in East Williston on behalf
8 of the Applicant. And I'll try to be mindful of
9 everybody's time. Though I do have some experts so I
10 wonder if we can let them in and just sort -- I don't
11 know if it's a procedural or a mechanical type of
12 thing.

13 But I do have Mr. Larry O'Brien from
14 High Point Engineering, licensed professional
15 engineer, the design professionals who have prepared
16 the plans which are before the Board; Mr. David
17 Bidner, also from High Point Engineering. And I
18 believe I have Mr. Andrew Villari from Stonefield.
19 They're also professional engineers, traffic
20 engineers as well. So I would ask to bring them in.

21 So I think Mr. Bidner may have all these
22 plans as well and I don't know if it will be easier
23 perhaps to have him share his screen and then we can
24 go through it that way, but it certainly is up to the
25 Board whatever is easiest or more convenient.

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2 CHAIR MAMMINA: I'd leave that to you,
3 Mr. O'Brien, just in terms of how you'd like to make
4 the presentation.

5 MR. O'BRIEN: Yeah. Maybe perhaps if
6 Mr. Bidner can say and this way I can just say bring
7 up this plan or bring up that plan, it makes it
8 easier. With that in mind a backdrop, perhaps David
9 maybe go to the survey if you could and just to kind
10 of get going here.

11 So this is an application by Tab Motors
12 involving, you know, an existing service station
13 located at 200 Hillside Avenue, it's the corner of
14 Hillside and North 2nd. And as -- Dave, could you
15 bring up -- there you go, great.

16 So and as counsel has indicated, with
17 respect to the gas station service stations, the Town
18 Board always gets involved in connection with the
19 self-service aspect of it, any changes in operations
20 to the gas station.

21 So we have applications into the Town
22 Board as well so we anticipate after we get through
23 this process, we also had to have applications to the
24 Nassau County Department of Health with respect to
25 the underground gasoline storage tanks.

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2 Since we're on a state roadway, we have
3 applications with respect to the DOT. So it is quite
4 a process and we have made all the requisite
5 applications and our engineers and traffic engineers
6 have been in communication with all other those
7 various departments. We do have approval with
8 respect to the tanks.

9 And essentially, you know, the sum and
10 substance is we're trying to take an existing
11 gasoline service station that was probably built in
12 the early '30s or '40s and raze and rebuild it into
13 say a new modern proposed gasoline service station.

14 So the existing station roughly 13,000
15 square feet, give or take. We've got roughly
16 100 feet on Hillside, we've got roughly 130 feet on
17 North 2nd and the existing improvements, if you can
18 kind of see on there, we've got two bump outs, two
19 product dispensers that are kind of close to Hillside
20 Avenue.

21 We have the building itself and the
22 building towards the east is sort of a two-story
23 building and the building towards the west is a
24 one-story building.

25 Our review of the records show it going

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2 back to in or about 1939, it was approved for
3 automobile sales. It was approved for gas sales and
4 it was approved for, I guess, what they called at the
5 time a lubritorium. So it exists today in that
6 configuration as you see on the survey and it's
7 probably, if you tally everything up, maybe roughly
8 4,500 square feet.

9 David, if you can go to the aerial. So
10 maybe you can just zoom out a little bit.

11 So as you can see, we're on Hillside
12 Avenue, we're really kind of on the Queens border
13 over there and we have a diner on one side of us,
14 we've got the funeral home, we've got the Walgreens,
15 we've got the shopping center across the street, we
16 have the Islamic center immediately contiguous to us
17 to the east and to the -- and to the south.

18 So as you can see, our building is
19 somewhat centrally located and the building, our pump
20 islands are to the -- to the north. There is some
21 parking right behind if you see those trucks that are
22 on the aerial right behind that there's a fence and
23 all of that area to the back of us is -- is parking
24 for the Islamic center.

25 What we have before the Board today are

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2 variance requests relative both to the site plan and
3 to -- to the -- for the signage.

4 If you can switch, Dave, to the actual
5 site plan, we can show what proposed improvements
6 that we're looking to do.

7 So typically we say that we want to raze
8 and rebuild from the ground up. Well, in the
9 gasoline service station industry we are seeking to
10 build from the underground up. So we're looking
11 those, you can kind of see images of the -- of the
12 pump islands which run parallel to the Hillside
13 Avenue being removed, the underground storage tanks
14 would be removed.

15 Everything replaced with double wall
16 meeting all federal, state, local regulations and
17 installing four pump islands with one multi-product
18 dispenser per island now running perpendicular.

19 There's a parking area in the front, we
20 would be removing the existing building, we would be
21 eliminating the repair of cars, we would be
22 eliminating the sale of any cars, we would just be
23 seeking to sell petroleum products and within the
24 convenience -- and seeking to erect a 1,500 square
25 feet proposed convenience store.

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2 We do have, as counsel had indicated,
3 the dumpster located towards the back and towards the
4 east side of the property for which relief we're
5 going to seek from the Town Board, any change to an
6 existing gasoline service station in the Town of
7 North Hempstead requires Town Board approval.

8 Essentially all gas stations in the Town
9 of North Hempstead are pre-existing nonconforming
10 uses, so we do require that and for any self-service
11 operation they -- the town requires Town Board
12 approval as well. And we require approval for the
13 Town Board for the underground gasoline storage
14 tanks.

15 So the building is being set back
16 further into the site, right along the fence line.
17 So some of the relief that we're seeking is with
18 respect to some of the landscaping because the
19 landscaping is required to be throughout the
20 perimeter of the -- of the building throughout the
21 property, I should say.

22 And in the front area we don't have
23 landscaping that would be sufficient. We have rear
24 yard setbacks, you know, with respect to the building
25 and some of the landscaping. As you can see, we

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2 don't have landscaping behind the building but
3 there's fence right there and any landscaping that
4 might be proposed would just be blocked by the fence
5 and would have difficulty surviving in that sense.

6 There's no variance required for the
7 parking, you comply with the parking requirements,
8 which quite frankly is a little unusual. We're
9 proposing a canopy. I don't believe any variances
10 are required for the canopy over the pump islands and
11 the canopy is typically necessary for self-service
12 operation.

13 So that's the sum and substance of the
14 proposed improvements that we're, you know, that
15 we're seeking with respect to some of the variances
16 that we're mentioned that we indicated the dumpster,
17 the landscaping in the back area.

18 Now, the building itself in accordance
19 with the Town's relatively new code, it sets forth
20 the size of the building in comparison to the size of
21 the site, I think we would be constrained to 1,250
22 square feet. We're seeking 1,500 square feet which
23 in the grand scheme of convenience stores and
24 gasoline service stations is really kind of on the
25 small side.

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2 Our actual retail area would be roughly
3 a thousand square feet, it's designed for prepackaged
4 goods, there would no cooking on the premises over
5 there. And in comparison to the existing building
6 what we currently have which is approximately, give
7 or take, say 4,500 square feet because we have a
8 two-story structure and a single-story structure we
9 think we're greatly diminishing the amount of area on
10 the building area on the site, opening it up. So I
11 think that that variance for the 200 square feet is
12 relatively minor.

13 With respect to the front area on the
14 landscaping, you can see that there is quite an area
15 between the property line and the right-of-way line.
16 And I know our -- our engineers and traffic people
17 have been in close communication with the DOT
18 relative to that. And I think there are certain
19 things they had indicated in the -- you want to have
20 the best available on site and off-site traffic
21 circulation.

22 And I think they had recommended that
23 they only be right-hand turns out of the property on
24 Hillside, there would be no left-and turns which is,
25 you know, certainly agreeable and agreed to the state

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2 with respect to that.

3 We've consolidated the curb cuts on
4 North 2nd Street and people can utilize the
5 intersection for making left-hand turns from North
6 2nd as opposed to outside the site.

7 So I think that's really most of the
8 site plan type of issues and then if I just kind of
9 jump into the signs for a second. Dave, if you could
10 put up the -- okay.

11 With respect to -- so with respect to
12 the signs, we're talking about freestanding
13 identification sign first. That sign I believe -- if
14 my recollection, yeah, 56.9 square feet. We meet the
15 height requirements, it is freestanding product
16 identification sign. Obviously, we have the
17 identification of the brand, you know, BP as well as
18 the price.

19 You know, the Town Board Code does
20 permit two separate signs, you do see that on
21 occasion at various locations. Given the size of the
22 site, we just think this is a much better design,
23 the -- we meet the height as indicated.

24 You've got sufficient ground clearance
25 and if you put the -- if you had two signs, you would

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2 have roughly the same amount of square footage and we
3 have -- and the Board has approved in several of the
4 locations throughout the Township at other BP
5 locations, at Shell locations, throughout the town,
6 similarly-sized signs. And we just think that this
7 would be much better identification than having two
8 separate ones on both sides of the property.

9 Then Dave, if you can kind of off to the
10 canopy. We have the sort of trademark insignia on
11 the canopy itself and that's their symbol, their
12 insignia, their trademark and the Board in the past
13 has permitted trademark symbols on other locations
14 and this way from the canopy vantage point, you
15 see -- you see the symbol, you know it's a BP. We
16 think it's reasonable and would look for the Board's,
17 you know, favorable discretion on that.

18 So with that in mind, I'm going to sort
19 of step back for a couple of seconds. If there
20 are -- like I said, we have, I believe, Mr. Andrew
21 Villari from Stonefield who can answer any questions.
22 We also, I believe, have Larry O'Brien and David
23 Bidner from the engineering end.

24 So if there are any technical questions
25 that the Board would have and I would like to have

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2 the opportunity to respond to any interested
3 observers.

4 I do also have a petition in support of
5 with 141 signatures from mostly people that are in
6 the local area, though I looked -- I went through the
7 list and see that there's some that are not but
8 mostly they are. And I have just received that, I
9 did submit that as well.

10 But I would like the opportunity to
11 respond to any interested observers. So if there are
12 any questions of myself or any of the experts would
13 be happy to entertain them.

14 CHAIR MAMMINA: Thank you, Mr. O'Brien.

15 MEMBER HERNANDEZ: Mr. O'Brien, did you say
16 you have a traffic engineer? You may want to have
17 him talk about traffic flows.

18 MR. O'BRIEN: We certainly can do so. We
19 might have submitted something but if Mr. Villari is
20 there, if you can bring him up, I can certainly ask
21 him to give us -- give a small presentation.

22 MR. VILLARI: Good afternoon. Can everyone
23 hear me okay?

24 CHAIR MAMMINA: Yes, we can.

25 MR. O'BRIEN: I would just -- maybe in the

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2 interest of time, Mr. Villari is with Stonefield
3 Engineering. I believe he has appeared before this
4 Board on numerous occasions as a traffic engineer.
5 So I mean, if you would like we can submit his
6 curriculum vitae, I can ask him the requisite
7 questions or if the Board would like to simply
8 acknowledge him as a traffic expert, that would be
9 fine as well.

10 CHAIR MAMMINA: As one Board Member, I look
11 to everyone else too. But you know, I think that we
12 can recognize Mr. Villari and he can just give his
13 presentation.

14 MR. O'BRIEN: Mr. Villari, just quickly if
15 you could, you've been involved with this project,
16 retained by the Applicant and have been in close
17 communication with the State DOT.

18 Could you perhaps, you know, state for
19 Board what, if any, traffic impact this might have on
20 on-site, versus off-site traffic circulation, any
21 conclusions that you might have on your
22 communications with the DOT and the basis for any of
23 those conclusions.

24 MR. VILLARI: Certainly, certainly. I think
25 what would best characterize this application is an

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2 opportunity for the Town to see this property that's
3 historically operated as a gasoline station service
4 center, seeing it redeveloped with a more modern
5 state of the art type of development that really
6 better utilizes the shape of the property and the
7 total area that we are presented with.

8 MR. O'BRIEN: But I'm sorry to interrupt, but
9 Dave, maybe you want to put the site plan. That
10 might be more helpful on the elevations.

11 MR. VILLARI: That would be great.

12 MR. O'BRIEN: There we go.

13 MR. VILLARI: What stands out on this
14 Application from a traffic flow perspective, I'll
15 start there and then go to traffic impacts a little
16 bit later.

17 What stands out here if you are familiar
18 at all with the existing property, you'll understand
19 that the building is much closer to Hillside Avenue.
20 The fueling -- the fueling -- I was going to say
21 canopy, but I guess lack thereof, I guess the fueling
22 pumps are much closer to the roadway and they're also
23 located -- aligned parallel with Hillside Avenue.

24 And so in the present condition, the
25 pumps are almost anywhere between 4 and 6 feet off of

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2 the property line.

3 MR. O'BRIEN: Dave, you want to put up the
4 survey. That might help to just explain that and
5 then switch to the site plan.

6 MR. VILLARI: Yeah, so the fuel pumps is
7 what's being highlighted in the -- with the pointer
8 right now. Those are oriented, as I mentioned
9 parallel with Hillside Avenue and they're only
10 located four to six feet off of the property line.
11 So when a vehicle fuels there and it somewhat
12 overhangs the property and the sidewalk which is not
13 an ideal scenario.

14 So one of the benefits of the
15 application if we can just transition to the proposed
16 scenario, is that we are almost tripling the distance
17 from the sidewalk, actually we are tripling the
18 distance from the sidewalk and we're rotating all of
19 the fueling pumps so that they are now perpendicular
20 to Hillside Avenue.

21 What that does is that gets vehicles
22 much further removed from the sidewalk where
23 pedestrians can be and it's actually straight shot
24 once you pull in off of Hillside Avenue. So you make
25 your turn into the property, you don't have to find a

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2 way to get parallel back to Hillside, you actually
3 just turn 90 degrees, drive straight into the fueling
4 position. So that's a great benefit here where we
5 see a significant improvement for safety versus --
6 safety as opposed to vehicles and pedestrian safety.

7 As far as the traffic impact of the
8 project, we have to take into account what's
9 presently on the site, which is a gas station as I
10 mentioned and we're going from four vehicle fueling
11 positions to eight vehicle fueling positions, we have
12 to think about what's the net increment between those
13 type of developments.

14 And what's really important to keep in
15 mind for gas stations and convenience stores is --
16 I'm sure the Board is very well familiar with this
17 concept but it's the concept of pass-by traffic. Gas
18 stations and convenience stores are specifically
19 located where they're convenient for members of the
20 traveling public to get in and get out. You're not
21 really going to go too far out of your way to get
22 gas, you're pretty much going to stop for whatever is
23 on your way.

24 There's been studies that have been
25 produced that indicate that almost 90 percent of

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2 traffic that's generated by these uses are based on
3 vehicles that are already on the roadway, people that
4 are traveling by the site on Hillside Avenue. So we
5 think that the same thing would continue to occur
6 here, it's going to be predominately an eastbound
7 flow of traffic to get to this site.

8 And again, it's based on vehicles that
9 are already here, it's not really inviting new
10 traffic from other neighborhoods coming here.

11 We have been coordinating with the New
12 York State Department of Transportation, they're well
13 aware of the application, their review is ongoing.
14 What's important to keep in mind is that the DOT has
15 reviewed the access plan as shown with two driveways
16 on hillside and the secondary access on North 2nd and
17 they're on Board with that application so long as we
18 promote right turn ingress and right turn egress
19 movements from those -- from those driveways.

20 So I would be happy to answer any other
21 question more in depth, but I hope that in conclusion
22 the Board finds that this is a great benefit to see
23 this property redeveloped.

24 CHAIR MAMMINA: Thank you, Andrew.

25 Any questions?

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2 MEMBER GOODSSELL: I have one. Statistically,
3 do you have any idea how many people avoid the
4 traffic light or the stop sign by simply cutting
5 through a gas station which would be shaped like
6 this?

7 MR. VILLARI: You're saying if you're a
8 vehicle on North 2nd?

9 MEMBER GOODSSELL: A vehicle on North 2nd
10 Street, or -- yeah, because it would really work on
11 Hillside Avenue.

12 MR. VILLARI: Right.

13 MEMBER GOODSSELL: But I'm wondering if you
14 have anything, because now there's going to be
15 greater access and I like the design but there's
16 greater access from North 2nd Street.

17 Do -- does a traffic study find that
18 there are people who simply cut the corner by cutting
19 through the gas station?

20 MR. VILLARI: I think to answer the question,
21 it's a case by case basis. You know, everyone has
22 seen someone do exactly what you're mentioning,
23 someone cuts through.

24 And I think the pattern here at this
25 corner would be somebody northbound on North 2nd

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2 Street, they're trying to go east, they don't want to
3 wait for the green light.

4 MEMBER GOODSSELL: Right.

5 MR. VILLARI: So they would go diagonally
6 through the site and then make a right turn.

7 MEMBER GOODSSELL: I don't think it's that
8 heavily-traveled a street --

9 MR. VILLARI: Correct.

10 MEMBER GOODSSELL: I'm just wondering if it's
11 just something that he studied.

12 MR. VILLARI: Well, I think the likelihood of
13 it happening depends on the use of the site so in the
14 future, this would be a site that has vehicles at the
15 pumps, it maybe has vehicles at the parking stalls to
16 use the store. It's not going to be a vacant,
17 derelict site, it's going to be very active,
18 well-lit, people coming in and out.

19 And you know, what's the likelihood that
20 somebody decides to turn through the site when they
21 see all that activity, maybe less so. But what's
22 more important here is the intersection on Hillside
23 Avenue. This is a bit of a unique scenario where you
24 have Clausen Place that's kind of like -- it kind of
25 like diverges from Hillside Avenue.

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2 So even if you were looking to make a
3 right turn, you would have to kind of go through the
4 property, cut all the way across Clausen Place and
5 then use Hillside Avenue. So it's a bit of tricky
6 maneuver, I wouldn't say that it's something that I
7 recommend as a traffic engineer, not saying people
8 won't do it but I have to imagine that's more of an
9 aggressive maneuver that someone would have to take.

10 MEMBER GOODSSELL: Thank you.

11 MEMBER DONATELLI: I could have two
12 questions. Actually looking at the aerial is now on
13 the screen, what are the vans that parked in the rear
14 of the premises in this photograph?

15 MR. O'BRIEN: I was there over the weekend, I
16 saw some of them being worked on. But quite frankly,
17 I'm not sure if some of them are being stored. But
18 should the application be approved, all of the vans,
19 all the repairs, all that type of work would be
20 eliminated.

21 MEMBER DONATELLI: All right. Are there
22 repairs, or if you know, are there repairs of those
23 vehicles going on back there now?

24 MR. O'BRIEN: No, they were stored, they were
25 parking there. While I was there I just -- I saw

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2 there's -- there's actually in the back of the
3 building a garage door.

4 So while I was there, as a matter of
5 fact, somebody was -- I was parked in the back there,
6 probably next to one of the last vans and somebody
7 was backing out of the garage with another van at
8 that particular -- at that particular time.

9 MEMBER DONATELLI: Okay. And my question,
10 other question, Mr. O'Brien, and you touched on this
11 briefly but I'd like to really have it spelled out a
12 little bit more in depth on the record.

13 You mentioned that the Town Code given
14 the size of this lot allows for a convenience store
15 of 1,250 square feet and the Applicant is requesting
16 1,500 square feet. It's not really the role of the
17 Board of Zoning Appeals to second guess the Town
18 Board in its determination, absent some sort of
19 showing or some sort of necessity.

20 Or can you please address why your
21 client is requesting 250 square feet more than what
22 is allowed by the Town Board given the lot size.

23 MR. O'BRIEN: Sure. I think that was --
24 yeah, a relatively new provision in the Town Code
25 where, you know, they indicated that if there is --

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2 the one that sorts of jumps into mine is the -- I
3 think it's the Cumberland Farms that's located by --
4 I think New Hyde Park in Marcus.

5 MEMBER DONATELLI: Yeah, Marcus Avenue.

6 MR. O'BRIEN: Yeah. So I think the town
7 basically said and there was -- there was even, I
8 think, maybe a smaller, you know, at one point it
9 might have been 750 square feet and you would have
10 these larger parcels. And I think the Town started
11 at 750 and then it kind of progressed from there and
12 essentially they said, look, if you have a two-acre
13 parcel of property, for instance, okay, you can --
14 you can -- you shouldn't be limited to 750 square
15 feet.

16 So they said that it -- it would be --
17 it would make sense to allow for a larger -- a larger
18 building. And I think it was sort of on a
19 progressive type of basis. And you see not many
20 because this is Nassau County and you don't
21 necessarily have the area that you do in some -- site
22 area that you do in others.

23 So you have a couple of those large
24 ones. But you know, here when you're dealing with an
25 existing site, sometimes your site areas are -- are

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2 limited and here in this particular instance, we do
3 have certain site constraints. So in accordance with
4 their formula that's a number that comes up, it comes
5 out to.

6 And like I mentioned, the retail area
7 itself is approximately a thousand square feet which
8 isn't a tremendous amount but you do also want the
9 ability to -- you don't want to have everything jam
10 packed, you want the ability for somebody to walk
11 around the service station.

12 You don't want to have products stored
13 on the outside of the premises. Occasionally you
14 will see, you know, some stations that are, you know,
15 they're storing whether it be seasonal items or what
16 you have on the outside. It becomes unsightly.

17 So it is my understanding having, you
18 know, been around the industry for quite some time
19 that in order to make it a cost effective operation,
20 to have some storage within the inside, you've got
21 your restroom and that area which has been excluded.

22 I think it's -- I think it's really sort
23 of a minimal amount that's necessary to keep your
24 products inside to not overcrowd the store and to
25 allow for a good experience for somebody.

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2 I mean, unfortunately, I get gas way
3 more often than I should but perhaps it's the
4 vehicles I drive and perhaps it's everybody in my
5 family that I'm gassing up for. But you want that
6 sort of ability to have a pleasant experience, be
7 able to get in and out and not have stuff that you're
8 going to be tripping over because it's stored all
9 over the place.

10 So that's my thoughts on that particular
11 matter.

12 MEMBER DONATELLI: How many employees do you
13 anticipate having on site?

14 MR. O'BRIEN: Typically with something like
15 this at any given time you're typically about two.
16 Occasionally, you might have a rotating manager but
17 in most instances, you typically have got two people
18 on site.

19 MEMBER DONATELLI: Where do you anticipate
20 having the employees park their cars?

21 MR. O'BRIEN: Well, assuming they have cars
22 we have seven spaces, we have five spaces that are
23 actually required so we actually meet the parking
24 requirements, we actually exceed the parking
25 requirements.

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2 And the one thing that the Code doesn't
3 take into account and North Hempstead is not the only
4 one in this particular area that doesn't take into
5 account, but the practical reality of the fact that
6 with the four-pump islands and multi-product
7 dispenser on each side of the pump island is a
8 fueling position.

9 And it is not uncommon for those fueling
10 positions to sort of become a de facto parking space
11 where somebody goes and is on pump number two, you
12 know, fills up their car because all your dispensers
13 these days have your card readers and the like,
14 unless you're just using cash and then sometimes that
15 person will go inside, pick up a lottery ticket or
16 what you have and then go out.

17 So and perhaps Andrew, if there's
18 anything else that you would like to add to that as
19 the traffic engineer but I think that the parking
20 that we have here is more than adequate.

21 MR. VILLARI: Yeah, I would agree with that
22 statement about the parking, the parking that we are
23 proposing in the requirement. The fact of the matter
24 with convenience stores is you're not inside for
25 very, very long. You're pretty much just inside for

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2 the minimal amount of time possible, get a coffee,
3 get a bottle of water and then you're out of there.

4 So the seven parking spaces, even
5 accounting for employees, we've studied a number of
6 similar uses all over the island and we've found that
7 seven parking stalls is actually going to work very,
8 very well for this site.

9 MR. O'BRIEN: Thank you.

10 MEMBER DONATELLI: Thank you.

11 MR. O'BRIEN: Anything further for myself or
12 for Andrew or for any of the engineers?

13 CHAIR MAMMINA: I don't think so. As you
14 know, Mr. O'Brien, you get the last turn at bat and
15 why don't we go to the chat and see who we have
16 there.

17 MS. ALGIOS: Okay. So we do have a number of
18 people that registered to speak.

19 CHAIR MAMMINA: Okay. Thank you, Ms. Algios.
20 We'll bring them up one at a time, please give your
21 name and address and try very hard -- and as I said
22 before, I know how emotional these things are. I
23 come to the Zoning Board through the Civic
24 Association in Carle Place, so I do understand and
25 let's stay on the topic of what is before us today.

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2 And again, just try not to repeat each
3 other, you know, we'll hold loosely to three minutes
4 on there, we're not looking to cut anybody off but we
5 do have to keep the hearing moving along. So thank
6 you.

7 MS. ALGIOS: So the first person to speak is
8 Rupinder Nahal.

9 MS. NAHAL: Yes.

10 MS. ALGIOS: So Ms. Nahal, if you can give
11 your name and address for the record as the Chairman
12 indicated.

13 MS. NAHAL: My name is Rupinder Nahal and I
14 live at 1009 North 4th Street.

15 MS. ALGIOS: Thank you. So please give your
16 comments.

17 MS. NAHAL: I basically live two blocks away
18 from the station. Me and my family have been going
19 there for ten years. I think it's a great station.
20 The staff is very lovely. I mostly fill my gas from
21 there.

22 I'm aware of the station very well as
23 well, I do think it really needs a facelift. It
24 would be great for the business and the community
25 overall. So I highly support the new appeal.

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2 CHAIR MAMMINA: Okay. Thank you very much.

3 MS. NAHAL: Thank you.

4 MS. ALGIOS: Thank you so much.

5 Okay. The next person is Ryan Leona.

6 MS. WAGNER: Did we lose him?

7 MS. ALGIOS: Here we go.

8 MR. LEONA: Sorry about that.

9 CHAIR MAMMINA: Good afternoon, Mr. Leona.

10 MR. LEONA: Good afternoon. My name is Ryan
11 Leona, I live at 8048 Langdale Street, New Hyde Park.

12 I just came on to the meeting and I
13 apologize for losing you, I was at work. But I just
14 thought being in the local area, it would be nice to
15 see some renovations especially at that location, I
16 use it quite frequently. So I do want to express my
17 support before I do go back to work.

18 So I do appreciate you letting me come
19 on and talk, hope there isn't anything else you need
20 from me. But I do want to express my support while
21 I'm here.

22 CHAIR MAMMINA: Okay. Well, thank you very
23 much. We always appreciate it when people come on
24 and out and tell us what they think.

25 MR. LEONA: Okay. Thank you, sir. I really

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2 appreciate it, I appreciate the time.

3 CHAIR MAMMINA: Thank you.

4 MS. ALGIOS: We're getting some feedback. Is
5 there -- is someone -- is everybody else hearing that
6 noise?

7 MEMBER DONATELLI: Yes.

8 MS. WAGNER: So I don't know if someone is on
9 the Zoom that has background noise.

10 MEMBER DONATELLI: I think that may have been
11 the neighbor who just got off.

12 MS. WAGNER: Okay.

13 MS. ALGIOS: The next person to speak is
14 Kimmy Singh.

15 So Ms. Singh, if you can just give your
16 name and address for the record.

17 (No response.)

18 MS. ALGIOS: So I have Ranjot Singh. I don't
19 know, I don't see Kimmy Singh. I have Ranjot so I
20 was assuming that was who would like to speak. If
21 that is the person, if you could just unmute
22 yourself.

23 MR. SINGH: Yeah, hi. How are you doing,
24 guys?

25 CHAIR MAMMINA: Hi, good afternoon.

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2 MR. SINGH: Yes.

3 CHAIR MAMMINA: Please give your name and
4 address. Thank you.

5 MR. SINGH: Yes, my name is Ranjot Singh.
6 I'm on 7826 270th New Hyde Park, New York 10040.

7 Been going there for awhile, definitely
8 very convenient for us at this location and we really
9 hope that they can get a facelift over here because
10 of the fact that it is a very, very, very old looking
11 station but it would definitely do the town justice
12 by, you know, getting a little facelift and having,
13 you know, newer -- newer look remodeled.

14 CHAIR MAMMINA: Okay. Thank you very much.
15 We appreciate you coming on and giving your opinion.

16 MR. SINGH: Thank you.

17 MS. ALGIOS: Thank you.

18 So I have another Singh also registered
19 to speak. I don't know if that's -- it's
20 Gurindergeet, but I don't see that person's name.

21 So basically if there's anyone else left
22 who would like to speak, please raise your hand now
23 and I will allow you to speak.

24 (No response.)

25 MS. ALGIOS: Okay. So no one has indicated

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2 that they would like to speak on this matter, so I
3 think the Applicant can just continue with their
4 presentation.

5 MR. O'BRIEN: Sure. Thank you. Well,
6 pleased to see that there are people in support of
7 the application, that's always -- that's always good
8 and probably a credit to, I guess, the way it
9 operates. And I guess everybody would like to see a
10 facelift as we would as well.

11 So I don't want to take too much of the
12 Board's time, I think that based on the testimony
13 that's been presented, I mean going through the
14 standards set forth in section 267B from the town law
15 this is sort of in character with the way service
16 stations are being improved today.

17 And I don't think that we're seeking
18 anything that's substantially different. We're
19 certainly going to improve conditions in as much as
20 you gotta remove and replace and be in compliance
21 with all current code requirements.

22 And we would just look for the Board's
23 favorable discretion in connection with the
24 application and mindful of the fact that we do have
25 to appear before the Town Board in connection with

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2 some of the relief as well.

3 CHAIR MAMMINA: Thank you, Mr. O'Brien, I
4 appreciate it. And thanks to your experts who were
5 part of the presentation.

6 MS. ALGIOS: Mr. O'Brien, if you'll just
7 indulge me. Somebody identified as (technical
8 difficulties) in the attendee did put up a hand and
9 then lowered it. So we do like to make sure that
10 everybody that would like to speak does have that
11 opportunity.

12 MR. O'BRIEN: Absolutely.

13 MS. ALGIOS: We will allow that person to
14 speak. Sometimes people do have difficulty if
15 they're not used to -- if they're not used to the
16 Zoom format.

17 MR. O'BRIEN: Understood.

18 CHAIR MAMMINA: So yes, let's promote them.

19 MS. ALGIOS: Mr. and Mrs. Hill, you can
20 unmute yourself and speak if you have any comment on
21 this appeal.

22 MR. HILL: Yeah, hi. How are you? My name
23 is Mr. Hill and I just wanted to point out I do visit
24 this service station often and if you guys ever get a
25 chance to go by, the building is in really rough

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2 shape. Like the bricks are -- it's a matter of time
3 for -- we do have some sort of catastrophe happen
4 there.

5 So it would be ideal like if we were to
6 move on this, like if you guys got a chance to go by
7 the physical structure of the building like the
8 bricks and stuff are like loose at the top and stuff.

9 So I do feel like it's something that
10 would be urgent like if they are trying to do some
11 sort of improvements, even like the parking lot and
12 stuff, it's really, really like treacherous.
13 Especially for elderly people and stuff and I do
14 often see people walking in and stuff to buy things,
15 you know, and elderly especially.

16 So I would encourage that if we could
17 get this going it would be ideal and that's all I
18 have. And I'm on 220 McKee Street.

19 MS. ALGIOS: Thank you so much.

20 MR. HILL: No problem.

21 CHAIR MAMMINA: Anything else then,
22 Mr. O'Brien?

23 MR. O'BRIEN: Just that it's Leon Petroleum
24 that's actually the one that will be doing the work
25 and I've known Mr. Leon for quite some time and his

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2 locations and he does nothing less than a superb job.
3 And he does not cut a single corner. He's taught me
4 a lot quite frankly and I thought I knew a bit about
5 the petroleum industry and I learned something else.
6 So you can be insured that everything there would be
7 top notch.

8 CHAIR MAMMINA: Thank you.

9 MS. WAGNER: Deborah, I just wanted to ask a
10 question about the pavement markings because it was
11 brought to my attention that the turning arrows, the
12 pavement markings are outside of the property
13 boundaries.

14 Has the -- do you anticipate that there
15 would be any issues with the Highway Department with
16 your permits from them regarding that being in the
17 right-of-way?

18 MR. VILLARI: I can take that question.

19 MR. O'BRIEN: I think that's a DOT thing and
20 Andrew could do that.

21 MR. VILLARI: Yeah, the pavement markings
22 being over the property line, I don't see that as
23 being an issue. Those have been the plans that we've
24 submitted for a couple of years now and we haven't
25 received any negative feedback from the state, it

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2 happens more often than you think, because nobody can
3 see where the property line is in real life, it
4 shouldn't be an issue at all, no.

5 MS. WAGNER: Okay.

6 CHAIR MAMMINA: Okay. Good point,
7 Ms. Wagner. And thank you, Mr. Villari.

8 All right. So at this point we will
9 reserve the decision on this application and may or
10 may not be decided today. Thanks very much.

11 MR. O'BRIEN: Okay. Thank you, Mr. Chairman
12 and members of the Board. Have a good day.

13 CHAIR MAMMINA: Pleasure.

14 MS. WAGNER: Thank you.

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2 MS. WAGNER: Appeal #21170, HSRE Storage
3 America 1, LLC; 211 Denton Avenue in Garden City Park
4 Section 8, Block 211-14, Lot 682 in the Industrial-B
5 Zoning District.

6 Variances from 70-103(A) and 70-103(B)
7 to legalize paving and striping of a parking lot with
8 not enough parking spaces and parking spaces which
9 are smaller than required.

10 CHAIR MAMMINA: You've heard Appeal #21170
11 HSRE Storage America 1, the number 1, LLC.

12 Oops, I think we lost -- I think we
13 lost -- there's Deborah. We have Al.

14 MEMBER GOODSSELL: Did we lose Virginia?

15 MS. WAGNER: I'm here.

16 CHAIR MAMMINA: There you are, okay. There
17 she is. How could we do this without you?

18 MR. D'AGOSTINO: Are you ready for me,
19 Mr. Chairman?

20 CHAIR MAMMINA: No, we gotta -- yes, yes we
21 are. Please give your name and --

22 Wait Virginia, did you read it into the
23 record?

24 MS. WAGNER: I thought I did.

25 CHAIR MAMMINA: That's fine. When I get gaps

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2 of time in there.

3 MS. WAGNER: Believe me, I can read something
4 and then forgot I read it.

5 MEMBER HERNANDEZ: You read it because I
6 wrote it down.

7 MS. WAGNER: Okay. Good.

8 CHAIR MAMMINA: You're up, Mr. D'Agostino.
9 Please give your name and address.

10 MR. D'AGOSTINO: For the Applicant, Minervo &
11 D'Agostino, PC. My name is Albert A. D'Agostino,
12 1007 South Central Avenue, Valley Stream, New York.

13 Mr. Chairman, I do have an expert and
14 I'm not too adept at the computer connections myself
15 and I don't know if you have to allow him or not,
16 it's John Harter, I think he's -- he's been on --
17 waiting as well from Atlantic Traffic and Design.

18 MS. ALGIOS: I just promoted him.

19 MR. D'AGOSTINO: Okay. Thank you very much.

20 MS. ALGIOS: You're welcome.

21 MR. D'AGOSTINO: Again, for the Applicant
22 HSRE Storage America, LLC.

23 By way of background and very, very
24 briefly, and it ties into the application that's
25 before you today, the subject property which was

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2 acquired by our client back in 2012 appears to have
3 at one time been part of the -- the Town of North
4 Hempstead landfill which was subdivided in the
5 mid-1990s and back in the late '80s the New York
6 State DEC required the closure of all of those
7 landfills.

8 This parcel appears to be a subdivided
9 piece from the original landfill and is bounded on
10 the west and the south, I believe, by land that's
11 owned by the town. I mentioned that because that has
12 an impact as to how we found our way before you
13 today.

14 As part of the -- the landfill
15 remediation, the prior owner had to install a
16 remediation system with respect to methane and there
17 is a piece of equipment which is referred to as an
18 inverter, which is located on the south side of the
19 building. Relatively it's not a large footprint but
20 it is there.

21 Our client engaged us after having
22 resurfaced the parking field and they were told
23 appropriately by the Town Building Department that
24 the -- what they were proposing to do did not conform
25 to the approved parking plan which went back probably

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2 to the construction of the building in the late 20th
3 century, 1999 or thereabouts.

4 The previously approved parking as
5 varied was 18 spots, and due to the location of this
6 inverter which is I said, extracts and exhausts
7 methane gas which apparently is being generated from
8 the subsurface of the old landfill. They were
9 proposing -- the client was proposing to install and
10 stripe three less spots being 15.

11 So the application before you today is
12 for a reduction of the required parking from 18 as
13 varied which was approved down to 15, a reduction of
14 3 and roughly a 7 percent reduction.

15 I believe at the time that the Town
16 Building Department, building inspector went down
17 there, I believe the Town may have -- if my
18 recollection serves me correctly, issued a stop work
19 order so the spots were not striped and have not been
20 striped to date.

21 So the application is to maintain the
22 paving and allow the striping of the parking lot in
23 accordance with a proposal before you, which is up on
24 the screen now.

25 Without belaboring my introduction, I

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2 know that the Board is short on time. I would like
3 to introduce our expert who prepared and submitted
4 and should be part of the record an updated letter
5 setting forth his -- his opinion and proposed parking
6 plan which was originally dated August 27th, 2021,
7 updated October 25th, 2021 and which was submitted to
8 the Board on November 9th, 2021.

9 I believe that John Harter of Atlantic
10 Traffic and Design has testified on numerous
11 occasions before this Board and other Boards
12 throughout Long Island. And I would ask that you
13 accept his qualifications as an expert.

14 If not, I can have him read his
15 curriculum vitae into the record and I await your
16 determination on that, Mr. Chairman.

17 CHAIR MAMMINA: That won't be necessary. He
18 can testify as recognized.

19 MR. D'AGOSTINO: John, are you on?

20 MR. HARTER: Yes, I am everyone. Can you
21 hear me?

22 MR. D'AGOSTINO: Yes. John, if you can
23 proceed.

24 MR. HARTER: Sure, as Al announced John
25 Harter, H-A-R-T-E-R from Atlantic Traffic, I'm

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2 principal. And our address is 2929 Expressway Drive
3 North in Hauppauge. And we did prepare a traffic
4 letter report and I can hit the high points of that.
5 It was revised October 25, 2021.

6 Some of the images that were just shown
7 on that exhibit were actually an older version of
8 some recommendations we had about providing more to
9 the site and I think I'll go through that.

10 As Al described, the parking previously
11 was approved for eighteen spaces and now had been
12 reduced to fifteen designated spaces, not meeting the
13 Town of North Hempstead requirements. And but the
14 other factor is that you required 10x20 spaces and
15 the parking stalls are 9x18 generally for the
16 standard spaces. So that was another, you know,
17 requirement that's not met with the plan.

18 So the facility is about 96,000 square
19 feet as a self-storage. We went out and conducted
20 parking accumulation counts at the site so I would
21 just describe self-storage facilities as a bit unique
22 if terms of parking because they -- many have very
23 few stalls and they're tended to use for the office
24 when you're signing up to obtain a storage unit. And
25 then maybe when you ultimately leave, you might

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2 remove your things and you sign paperwork to leave.

3 But generally most of the parking demand
4 is really loading demand at a self-storage facility
5 and lots of them have larger aisles such as this at
6 the back of the site, they're actually access stores
7 at the back of the facility which is the west facade.
8 And therefore you find that patrons will actually
9 park in those areas that are undesignated and really
10 use it as a loading area.

11 We conducted 12 hours of data collection
12 at the site and that was done on a Wednesday, 11:00
13 a.m. to 6:00 p.m. and then a Saturday noon to
14 5:00 p.m. And we categorized parking in three
15 different ways and I can maybe share the screen here.

16 And this is from our report, figure two.
17 Hopefully that's coming up. And in the front area A
18 is where we have -- so this north is up. At the
19 southeast area of the site we do have the designated
20 spaces that are fifteen in total. And then along the
21 back of the building, the west side and the north
22 facade, there are areas where there are access doors
23 for storage units so you do find that there are --
24 there's loading occurring.

25 So we counted the parking in A, we

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2 counted the loading that was going on in b. And this
3 site actually has a large garage door opening that
4 allows vehicles to come in and that we designated as
5 area C and we found that that could accommodate up to
6 six vehicles at a time.

7 From our worst case parking demand on a
8 weekday, we found 24 vehicles in total when we looked
9 at the areas A, B and C. And then on a Saturday we
10 actually found 30, so it was a high count for a
11 self-storage facility.

12 You often probably have heard from
13 traffic engineers ITE data. So the Institute of
14 Transportation Engineers by comparison, if I were to
15 go to their parking generation manual from actual
16 research they've compiled, a site of this size would
17 generally have a demand of ten vehicles at a worst
18 case, so this is quite an active self-storage
19 facility.

20 What we -- what we ended up recommending
21 in our report, to accommodate that worse case that we
22 observed of 30 vehicles parked. I call it parking
23 and/or loading would be -- would be to add a loading
24 area at the back of the site. The last plan, the
25 exhibit that was shown earlier was an earlier version

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2 where we were looking at parking spaces, but along
3 the west facade or -- sorry, the perimeter of the
4 site, the aisle is quite wide and the circulation for
5 the property works, the northern access is ingress
6 only, it runs in a counter-clockwise direction along
7 the building.

8 And then when you get to that southeast
9 corner of the facility, it then becomes two-way along
10 the front of the east facade front of the building.
11 And then this is a two-way driveway on to Denton
12 Avenue.

13 So with being one way, we -- our
14 recommendation was to put in a simple striping and
15 signage that would identify it as a loading zone and
16 it would be a 7-foot wide area for vehicles to park.
17 And we would still at a minimum have a 16-foot wide
18 one-way aisle that would allow trucks, small trucks
19 to continue to circulate the site.

20 And right now what we were seeing is
21 cars in the back, they were not in any orderly
22 fashion, they were parked in various ways as they
23 were loading and unloading. So we felt that this
24 would do -- it would accomplish two things: It would
25 enable us to get enough -- approximately nine cars

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2 could park in this area when we combine that with the
3 six inside internally and the fifteen designated
4 spaces, that would get us up to that 30 vehicle
5 supply that we observed. And it could accommodate
6 that in just a much more orderly fashion. So that
7 was our recommendation, was to create this loading
8 area in the back.

9 We had also run a single-unit truck to
10 just demonstrate that using auto turn that vehicle, a
11 box truck could come in and circulate the site even
12 with that loading area being used and parked -- used
13 by vehicles loading and unloading.

14 So now I think that summarizes what we
15 were looking to put on the record in terms of direct
16 testimonial.

17 MR. D'AGOSTINO: Yes, if you would remain on,
18 John, please.

19 MR. HARTER: Sure.

20 MR. D'AGOSTINO: Mr. Chairman, Members of the
21 Board, Mr. Harter referred to his observation that --
22 to the effect that vehicles were not parked in an
23 orderly fashion on the property.

24 One of the -- the fact of which I think
25 results in that is the fact that the property is not

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2 striped at this point and it's not striped, as I
3 said, because the Building Department obviously
4 inappropriately issued a stop work order and we had
5 to come before this Board, seeking the relief which
6 is before you.

7 And again, the other factor that
8 somewhat drives this and on the parking plan of the
9 survey, it's -- it may appear to be a very small item
10 but on the southerly side of the building, as I
11 referred to previously, there's a rectangular piece
12 of equipment which is referred to as an inverter.

13 But to some extent that is driving the
14 fact that there this -- is no -- no angled parking or
15 other parking in that western area around that --
16 that piece of equipment.

17 There was some thought initially that it
18 could be moved. And upon reviewing the -- the --
19 what it was, it was a term that I was unfamiliar with
20 that's when we discovered that it was a part of a
21 methane extraction system. And in my client's
22 research, it was determined that and confirmed what
23 my historical recollection was, that this parcel was
24 part of a DEC identified site. It's site number
25 130008, which encompassed the entire Denton area

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2 landfills and the -- I don't recall whether that's
3 singular or plural. I know it went as far north as
4 to include the golf driving range.

5 And I think that's -- yeah, the basis of
6 the town ownership of the land located to the south
7 and west of this current site. So that -- that --
8 what appears to be a small piece of equipment to a
9 large extent is driving a part of this proposed
10 parking plan.

11 Should you have any questions, either of
12 myself or Mr. Harder, we stand ready to attempt to
13 respond to them. Thank you.

14 CHAIR MAMMINA: I remember when we got our
15 very first self-storage and I don't believe it was
16 this one. But when I looked at the number on the
17 parking and what was provided, they said that's
18 ludicrous. You know, the parking can't possibly be
19 adequate, and you know, then I went around to a whole
20 bunch of parking facilities, you know, throughout
21 this part of the world and saw that that was the
22 parking everywhere.

23 And you know, it appeared -- it appeared
24 to work and then I can't say myself or for my
25 business, I had storage in the New Hyde Park facility

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2 and I don't know, whenever I got there it was
3 basically empty, there was not a whole lot of anybody
4 around, it was business hours.

5 But you know, it just seems, you know,
6 to me as one Board Member and especially looking at
7 your exhibits that it's kind of self-limiting as
8 well. I mean, Denton Avenue, you know, is a street
9 where I guess you can park.

10 I don't know if there are any "no
11 parking" signs there and I'll look to Ms. Goodsell if
12 she had taken a look at that, but you know, if I --

13 MEMBER GOODSSELL: Everybody pulls over and
14 parks in the reserve like this. If there's stripes
15 you're not supposed to park there but people do,
16 people just do.

17 CHAIR MAMMINA: Okay.

18 MEMBER GOODSSELL: But it's not -- I agree
19 with you, self-storage; you get in, you unload, you
20 get out. Nobody is going there for a cup of coffee,
21 nobody is spending time. The only thing that they're
22 doing is going into their facility and looking for
23 something.

24 But the most important thing seems to be
25 unloading and unloading. And most of these storage

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2 places don't have as much parking as you would think.

3 CHAIR MAMMINA: I mean, that was certainly my
4 experience, you know, that -- I guess the one that I
5 was at that I'm sure that at least Ms. Goodsell is
6 familiar with was the Westies, you know, that was
7 over by the town pool.

8 And again, whenever I went there, you
9 know, I usually got a spot by the -- right by the
10 front door where the gatekeeper was. There was one
11 employee in there, and you know, and that was kind of
12 all you needed. It was just someone so you can sign
13 in and sign out.

14 But I mean, I don't -- I don't know if
15 it -- if it -- you know, just pointed to Ms. Goodsell
16 if it hasn't been a problem, you know, I can't see
17 that, you know, that two spaces and then the ability
18 to take that -- very sorry, I got my cursor on my
19 screen, you can't see that and striping that so that
20 other cars could pull over into there. That it would
21 not be adequate, you know, for -- in order for it to
22 work.

23 I mean, there are no residential streets
24 there that anybody can say, hey, I'm going to go and
25 park here or there and even for me there were --

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2 there were file boxes that I was carrying, I wasn't
3 going to carry them two blocks. It was enough
4 getting them to the front door so.

5 MEMBER GOODSSELL: Mr. Harter, how long has
6 this business been in existence? This is not a brand
7 new business. This has been around for a couple of
8 years, hasn't it?

9 MR. D'AGOSTINO: Since 1999.

10 MEMBER GOODSSELL: The building looks like
11 it's been a little painted perhaps renovated and the
12 parking lot renovated since '99.

13 But is this particular storage space
14 really that old?

15 CHAIR MAMMINA: That's what it says on
16 drawings.

17 MR. D'AGOSTINO: Yes, I believe so.

18 CHAIR MAMMINA: Yeah, the drawings because I
19 looked. I mean, Sear Brown they've been out of
20 business -- I don't know, probably 18 years, 19
21 years. You know, they haven't been around. That's
22 the company that did the drawings.

23 MEMBER GOODSSELL: So the reason that you're
24 back in front of us after all this time is that
25 someone has finally -- someone has suddenly

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2 discovered that -- what did you call them, the tanks,
3 the portals, the --

4 MR. HARTER: The inverter.

5 MEMBER GOODSSELL: The inverters, three of the
6 spaces are suddenly not available which those
7 inverters must have been there since this property
8 was built.

9 MR. D'AGOSTINO: I'm speculating but it's
10 likely that the DEC would have required them. I
11 recall the issue coming up in the mid-1990s when the
12 town was proposing to subdivide and initially leased
13 out the -- the golf driving range property to the
14 north.

15 And just by way of clarification,
16 Mr. Chairman, you mentioned a deficiency of two, it's
17 actually of three. Deficiency is three just for
18 clarification.

19 CHAIR MAMMINA: That's what you testified.

20 MEMBER GOODSSELL: Okay. It seems that the
21 lack of parking spaces hasn't hindered the business,
22 it hasn't created any kind of a traffic problem on
23 Denton Avenue, and it's not imposing on the
24 neighborhood in any way, there's no access to the
25 park behind it. And the town has it seems to be the

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2 adjoining -- the biggest adjoining landowner but the
3 other businesses -- these properties on Denton Avenue
4 are kind of self-contained, you come in off Denton
5 Avenue and there's access from property to property.

6 So whatever parking there is, you're not
7 pulling into somebody else's parking lot. It seems
8 that it functions fine with fifteen parking spaces.

9 MR. D'AGOSTINO: That is correct. There is
10 no cross access.

11 CHAIR MAMMINA: Anybody else have any
12 feelings regarding this?

13 MEMBER DONATELLI: I would just say our
14 experience piggybacking on what you said,
15 Mr. Chairman, our experience with three or four of
16 these that have come before us while I've been on the
17 Board has -- has been very similar.

18 That it seems like the business model is
19 that people -- and this is what I did with my wife
20 when we first moved, you rent the place for a couple
21 of years, not knowing -- well, thinking that you want
22 to keep something and you just leave it there and
23 then a few years later it occurs to you, well, we
24 probably will never use it so you get rid of it.

25 It's typically not a common occurrence

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2 to go there and to retrieve things. It's very
3 episodic so I personally as one Board Member have --
4 I don't see a huge difference between the 18 of the
5 prior grant and the 15 of this application.

6 But I would be very interested in the
7 other -- if we have any members of the public, what
8 they have to say.

9 MS. ALGIOS: So we have no one who has
10 indicated that they would like to speak.

11 CHAIR MAMMINA: All right, then --

12 MEMBER DONATELLI: Then I as one Board
13 Member, I have no objection.

14 CHAIR MAMMINA: I just want to say one thing
15 before we vote is one of the people that works in my
16 office -- has nothing to do with the application.

17 But one of the persons that works in my
18 office buys these storage cubicles that have been
19 abandoned and last week she found a 1945 Steinway
20 grand piano in one of them. And basically -- and I
21 looked it up and it was worth like \$40,000. She said
22 just come and get it, if you want it, come and get
23 it.

24 MEMBER DONATELLI: Right. That's right.
25 Because you're responsible for taking it out.

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2 CHAIR MAMMINA: Exactly. Come and get it.

3 MR. D'AGOSTINO: Have you ever tried to move
4 a piano?

5 CHAIR MAMMINA: No. So and I think --

6 MEMBER GOODSSELL: Or tune one when it's been
7 out of tune for that long.

8 MR. D'AGOSTINO: I thought it was easy
9 because they're on wheels. That's why they have
10 pianos and safe movers.

11 CHAIR MAMMINA: That is right.

12 So I don't know, Ms. Goodsell, if you
13 would like to make a motion.

14 MEMBER GOODSSELL: I think I will make the
15 motion. I move that we approve the application as
16 presented to us for fifteen parking spaces in lieu of
17 eighteen parking spaces, based upon the presentation
18 and please consider that my motion.

19 CHAIR MAMMINA: There's the motion.

20 Mr. Donatelli, you were also speaking
21 so...

22 MEMBER DONATELLI: I will second.

23 CHAIR MAMMINA: All right. So we have a
24 motion by Member Goodsell and a second by Member
25 Donatelli.

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2 So please poll the Board.

3 MS. WAGNER: Member Goodsell.

4 MEMBER GOODSSELL: Aye.

5 MS. WAGNER: Member Hernandez.

6 MEMBER HERNANDEZ: Aye.

7 MS. WAGNER: Member Donatelli.

8 MEMBER DONATELLI: Aye.

9 MS. WAGNER: Vice Chairman Francis.

10 VICE CHAIR FRANCIS: Aye.

11 MS. WAGNER: Chairman Mammina.

12 CHAIR MAMMINA: Aye.

13 So the application is granted.

14 MR. D'AGOSTINO: Thank you very much,

15 Mr. Chairman and Members of the Board.

16 MR. HARTER: Good. Thank you.

17 CHAIR MAMMINA: Good to see you, Al.

18 MEMBER GOODSSELL: See you on Storage Wars.

19 MS. ALGIOS: Thank you so much.

20 MR. HARTER: Bye bye. Thank you.

21 MS. WAGNER: So we need to adopt SEQRA.

22 MEMBER DONATELLI: I'll make the motion.

23 CHAIR MAMMINA: Yes, I'm sorry.

24 MS. WAGNER: Motion by Dan.

25 CHAIR MAMMINA: All in favor?

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(A chorus of "ayes".)

CHAIR MAMMINA: Any opposed?

(No response.)

CHAIR MAMMINA: None seen.

(The hearing concluded at 2:45 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF RICHMOND)

I, MADELINE TAVANI, a Notary Public for
and within the State of New York, do hereby
certify:

That the above is a correct
transcription of my stenographic notes.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 2nd day of March, 2022.



MADELINE TAVANI