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Proceedings  
TOWN OF NORTH HEMPSTEAD  
BOARD OF ZONING APPEALS  
PUBLIC HEARINGS

Live Stream  
PUBLIC HEARING  
Wednesday, April 6, 2022  
10:16 a.m.

BOARD MEMBERS PRESENT:

- DAVID L. MAMMINA, Chairman
- LESLIE FRANCIS, Vice-Chairman
- PATRICIA A. GOODSELL, Member
- DANIEL D. DONATELLI, Member
- JAY HERNANDEZ, Member

ALSO PRESENT:

- DEBORAH ALGIOS, Town Attorney
- VIRGINIA WAGNER, Secretary
- NICOLE L. BASILE, Reporter

## Proceedings

1  
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3 CHAIRMAN MAMMINA: Would everyone please  
4 rise and join Mr. Francis in the Pledge of  
5 Allegiance.

6  
7 (Whereupon, the Pledge of Allegiance was  
8 said.)  
9

10 CHAIRMAN MAMMINA: Okay. Good morning,  
11 ladies and gentlemen. And what I would like to do  
12 before we get started is a little short explanation  
13 of the way that we conduct business in the Town of  
14 North Hempstead. In case you've never appeared  
15 before the zoning board here or if you've never  
16 appeared before a zoning board. If you never  
17 appeared before a zoning board before, I would just  
18 ask that you stay calm when you come up to speak  
19 and just talk to us and it's easier, you know, for  
20 everyone. We know that issues can get a little  
21 emotional and we understand that. I think all of  
22 us have stood on that side of the podium at  
23 different times, you know. So we get that, you  
24 know, and we understand that. It is not necessary  
25 for every person to speak, but every person will be  
26 given the opportunity to speak, if they choose to.  
27 We ask that we try not to repeat each other. So  
28 emphasis on try. If someone puts something on the  
29 record and you agree completely with them and you  
30 want to make that known, all you need to do is come  
31 up to the podium, you know, everyone will give  
32 their name and address when they come up to the  
33 podium, because there is a reporter who is taking a  
34 transcript, you know, of this -- this is a quasi  
35 judicial proceeding. All you need say is I agree  
36 with everything that the previous speaker said, or  
37 I agree with everything with everything that  
38 Ms. Jones said, you know, and that's fine or I  
39 agree, but I just like to add A, B, C. The --  
40 there is a time limit, you know, on -- on rebuttal  
41 and that's limited to three minutes. Okay. It's  
42 not a hard and fast three minutes. We don't hit  
43 you with a bat, you know, if you're going a little  
44 bit beyond, but, you know, we get a lot of people  
45 on many of the cases and that's very customary in  
46 all municipalities to have that three minute limit.  
47 So what will happen is each case is called on the  
48 calendar. We will ask for the applicant, you know,

## Proceedings

1  
2  
3 the person whose case is it to identify themselves  
4 by standing up and coming to the podium. If the  
5 applicant has some kind of representation, whether  
6 it be their architect, or their builder, or their  
7 attorney, they would come up as well. Each person  
8 would individually give their name and address. We  
9 will, you know, we will ask that you make all  
10 efforts to not speak over each other  
11 simultaneously, because we have either a young lady  
12 or a young man who is off in some virtual place who  
13 is trying to take that down and of course if two  
14 people are speaking simultaneously, you know, they  
15 can't do that. If we have husband, wife, still,  
16 each person puts their name and address onto the  
17 record separately. If you forget, we'll remind,  
18 you know. It's okay. And the way that it will  
19 then work is after the applicant has given their  
20 name and address, they will then put their case  
21 onto the record. Tell us what they are here for,  
22 what they think about it, what are their reasons  
23 for the variance that is being requested and the  
24 board will ask whatever questions it feels that it  
25 needs to ask. We will -- the applicant will then  
26 have a chance to respond to those as we are asking  
27 those questions. The board does not answer  
28 questions. So just something to keep in mind. So  
29 what will then happen is I will ask and excuse me  
30 for not saying it before this, but I will ask as  
31 soon as we call the case if there is anyone who  
32 wishes to speak regarding the case just so we get a  
33 little show of hands. You just put your hands up  
34 and we know that there are other people that would  
35 like to -- the opportunity to speak. So if there  
36 are people who wish to speak, you know, either in  
37 support of the -- of the variances that are being  
38 requested, you know, or if they wish to speak  
39 against those -- those cases, they would then come  
40 up one the a time, name and address, you put your  
41 information onto the record, the board asks  
42 whatever questions it feels that they have and then  
43 at that point, the applicant and typically only the  
44 applicant speaks two times. Because the applicant  
45 then has the opportunity to respond to things that  
46 people have either side negatively or positively,  
47 you know, about their case. At that point, the  
48 hearing is over and, you know, we do not, in this

## Proceedings

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3 municipality, generally have a second hearing, you  
4 know. If it happens one or two times a year, you  
5 know, it's a lot, you know. If you appear in other  
6 places, some villages will go on and on and on for  
7 months and months and months, you know, and we  
8 don't do that. So when the applicant then is  
9 completed, the board will do one of four things.  
10 We will either approve the application, we will  
11 deny that application, we would continue the  
12 application. If we continue the application, what  
13 that means, you know, setting an example, if  
14 someone is asking for a two foot side yard variance  
15 and the board wants to look at it again or if we  
16 ask for some document that should be submitted, if  
17 we offer some kind of a compromise and the drawing  
18 needs to be modified, the continuation would be  
19 very specific and what the board is looking for and  
20 all you have to do is submit that to the board. If  
21 we were then -- the fourth option is if we reserve  
22 the case and then the board can do that for any  
23 number of reasons. You know, we would deliberate  
24 on it either today or next hearing, you know. So,  
25 you know, that -- there's nothing else that we  
26 require of the -- of the applicant, you know, in  
27 that case. You don't have to come back a second  
28 time, you may come back a second time if you chose  
29 to hear us deliberate, you know, we deliberate in  
30 public, which is the law. We do have a Zoom still  
31 so you can listen in on -- on Zoom. Yes, we still  
32 have? I'm sorry. Live stream. We Zoomed I think  
33 until the last hearing or two. Thank you.  
34 Appreciate that. So you can hear us, you know, and  
35 you can hear what we say and whether that was in  
36 person or it's on the Zoom, there is no comment,  
37 you know, from the, you know, from the applicants  
38 or anyone else that's on the Zoom. There will be  
39 no comments from anyone who then is on our live  
40 stream. Strictly the board would deliberate on  
41 that and then the board would make a decision. And  
42 then decision is negatively or positively. If  
43 there are certain stipulations, those stipulations  
44 will be pointed out as part of the record and as  
45 part of your decision, and then a copy of that  
46 decision would be sent to the -- to the applicant.  
47 I will say one other thing before I ask my fellow  
48 board members, you know, Deborah and Virginia if

## Proceedings

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2  
3 I've left anything out. What we will do is, you  
4 can see all of the electronics that we are all  
5 surrounded with, you know. Hold your phones up,  
6 shut them off. Okay. You don't have to turn it  
7 off, you can just put it onto mute, you know,  
8 anything that plays a song, or chirps, or whatever  
9 and if at anytime you need to make a phone call,  
10 take a phone call, that's absolutely fine. All you  
11 need to do is stand up, walk on over, go outside,  
12 it's okay, you know, that really -- we are all  
13 ladies and gentlemen. We do it quitely and there  
14 is no issue with that at all. The other thing that  
15 we ask is if there is anyone who is not here yet  
16 who is part of your application, please, you know,  
17 ask them the same thing. We also ask that we keep  
18 cross talk between people to zero. The  
19 stenographer is trying to take down the record. We  
20 want to give everybody the fair advantage of  
21 hearing everything that's being said and of course  
22 that's distracting. It's districting to the person  
23 making their application. Again, all you need do  
24 is stand up, go out into the lobby area and that is  
25 absolutely fine. So I think with all of that said,  
26 Deborah, did I leave anything out?

27  
28 MS. ALGIOS: So the only thing I'll add  
29 is if a case is either reserved or continued, if  
30 it's not decided at today's meeting, the next  
31 possible time that that decision will be made is  
32 the next board meeting, which is the 26th -- 27th.  
33 So April 27th is the next time that this board  
34 meets, but there's also no guarantee. So there  
35 maybe a reason that the board doesn't decide it on  
36 that date, but just so you're aware, if it's not  
37 decided today, the next possible time it would be  
38 decided is on April 27th and then the other thing I  
39 just wanted to reiterate what the chairman said as  
40 far as time limits. I know we have quite a number  
41 of speakers today so we will be enforcing the three  
42 minute time limit and of course, you know, we  
43 always, if someone is in the middle of a thought,  
44 we never cut them off, you can certainly finish,  
45 you know, but it's not the way this meeting works,  
46 similar to the town. It's not a question and  
47 answer. So if you have, you know, a number of  
48 questions when you come up during your three minute

## Proceedings

1  
2  
3 time, you should just, you know, state your  
4 questions and then those will be answered by the  
5 applicant. Okay. Thank you.  
6

7 CHAIRMAN MAMMINA: Okay. So with that  
8 said, Ms. Wagner, would you please call the first  
9 case.

10 SECRETARY WAGNER: Does everyone have a  
11 copy of the calender? We go in order of the  
12 appeals that's listed on the calendar. So if  
13 you're one of the appeals listed on the calendar,  
14 you know, we go in order of what's listed on the  
15 calendar.  
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## APPEAL #21184

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3 Chairman, we do have an adjournment of  
4 Appeal Number 21184, Benjamin Borgognone; 204 Mill  
5 Spring Road, Manhasset, Section 3, Block 222, Lot  
6 1; Zoned: Residence-A. Variances from 70-29(B),  
7 70-30.B to construct additions that are too big and  
8 to convert a portico that is too close to the  
9 street was adjourned until April 27th.

10  
11 CHAIRMAN MAMMINA: Okay. So if anyone  
12 is hear for 21184, that will not be heard today.  
13 You're welcome to stay, of course, if you find this  
14 riveting and fascinating, or you may want to stay  
15 for a case or too, you know, if you're not familiar  
16 with how we -- how this all happens. Forget about  
17 just the we. So that you can hear, you know, what  
18 -- what it is that we do. So it might give you a  
19 comfort level and that case might be heard at a  
20 later date. Was that a date certain?

21  
22 SECRETARY WAGNER: April 27th.

23  
24 CHAIRMAN MAMMINA: Okay. So then that  
25 will be hear on the 27th.  
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## 1 APPEAL #21201

2  
3 SECRETARY WAGNER: Appeal Number 21201,  
4 Michael Klein; 6 Warwick Road, Great Neck; Section  
5 2, Block 154, Lot 22; Zoned: Residence-A.  
6 Variance from 70-29.b to construct an addition and  
7 a bay window that are too large.

8  
9 CHAIRMAN MAMMINA: So you've heard  
10 Appeal Number 21201, Michael Klein. Is there  
11 anyone in the room interested in the application,  
12 other than the applicant and that's where we would  
13 just ask for a show of hands. Okay. Seeing no  
14 one. Please give your name and address.

15  
16 MR. COOPER: Alan Cooper architect, 1047  
17 Old Northern Boulevard, Roslyn, New York 11576.  
18 Good morning. I have something to  
19 submit.

20  
21 SECRETARY WAGNER: Entered as exhibit  
22 one.

23  
24 MR. COOPER: Entering an exhibit of --  
25 if anybody hadn't had a chance to visit the  
26 residence, some photographs of the home.

27  
28 CHAIRMAN MAMMINA: Thank you.

29  
30 MR. COOPER: I am here this morning  
31 before the board for the application of Susan and  
32 Michael Klein. We are requesting a variance for  
33 the property located at 6 Warwick Road, Great Neck,  
34 New York, Section 2, Block 154, Lot 22. The  
35 subject property is in a Residence-A Zoning  
36 District. We are seeking to remove an existing  
37 rundown 232 square foot screen room in the rear and  
38 construct a new 334 family room where none  
39 presently exists within the home, as well as adding  
40 a new five square foot bay window. We're  
41 requesting a variance from code section 70-29.B  
42 floor area. What participated our variance request  
43 is that in the town zoning code article five  
44 Residence-A District section 70-29.D it states in  
45 no case shall a limitations of this section  
46 prohibit a dwelling less than 2,700 square feet on  
47 a lot held in single and separate ownership as of  
48 December 31, 1999 so long as the building confirms



## APPEAL #21201

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3 to all limitations of this chapter. The existing  
4 dwelling does not conform to this code section on  
5 the south side setback and on the front yard  
6 setback. Presently, the side setback is 9.5 feet  
7 where 10 feet is required. That is .5 feet shy and  
8 the front is presently 33.2 feet, whereas 35 feet  
9 is required 1.8 feet shy. If not for these two  
10 factors, a dwelling of 2,700 would be permitted.  
11 We are proposing a dwelling of 2,662 square feet,  
12 which is 107 square feet more than what presently  
13 exist and 38 square feet less than the 2,700 square  
14 permitted if the setbacks of the dwelling were  
15 complaint. We are 228 square feet over the 2,432  
16 square feet that are permitted as of right.  
17 Whereas if this 6,760 square feet lot was in a  
18 similar residence zone in all other hamlets of the  
19 town, a 3,042 square feet dwelling would be  
20 permitted. I was a member of the town master plan  
21 committee for almost 12 years assisting the  
22 planning department, building department and town  
23 board in updating the zoning code. We knew the  
24 code changes would help implement were not perfect,  
25 but were indeed in the right direction to helping  
26 town -- to helping improve our town. The Alanwood  
27 section of Great Neck was up zoned from residence B  
28 to residence A at the end of 1999. The change  
29 occurred to mainly stop developers from developing  
30 exceedingly large homes in an area where modern  
31 sized homes existed, most dating back to the early  
32 1920s and 30s. But what has occurred is that many  
33 of those existing dwellings do not comply with the  
34 new zoning deeming them nonconforming and variances  
35 have been needed to sought when trying to remodel  
36 and expand situations such as we are seeking. I  
37 feel that the additional increase in floor area we  
38 are seeking is located in the rear, not visible  
39 from the street and not substantial. We are  
40 requesting permission to make this improvement  
41 while maintaining both the character and integrity  
42 of the home as well as keeping within the feeling  
43 of the homes in the surrounding neighborhood. I  
44 feel this variance is within the original intent of  
45 the code and should be granted. If the variance is  
46 granted, it will benefit the applicant without  
47 adversely affecting the health, safety and/or  
48 welfare of the community. Your consideration is

## APPEAL #21201

1  
2  
3 greatly appreciated. If you have any questions,  
4 I'd be happy to answer them and the homeowner is  
5 here as well if you have any questions.  
6

7 MEMBER FRANCIS: I have one question,  
8 Mr. Cooper and it relates specifically to the  
9 family room. You are taking down the original  
10 porch in order to rebuild this family room. So in  
11 doing that, explain to me why you can't comply with  
12 GFA if you're building the structure basically new.  
13

14 MR. COOPER: Well, it's a small screened  
15 in room. It's a growing family. With the other  
16 work in the home we're doing, it's, like, it's  
17 practically not even eat-in kitchen. It's like a  
18 banquet that they squeeze into at this point. They  
19 were taking the wall down between the dining room  
20 and the kitchen to have a breakfast table to eat at  
21 as well as introducing a family room. Right now  
22 there's just a living room. A small living room  
23 when you walk in. So the -- it's -- we are adding  
24 a 332 square foot family room that would have a  
25 fireplace, TV and a sectional couch. It's not  
26 huge. It's larger than the existing screened porch  
27 which is -- and that was 232 square feet. It's not  
28 that large. It's 10 by 20. It's the size of a  
29 bedroom so we just want to make more space in the  
30 house, you know, for the growing family.  
31

32 MEMBER GOODSELL: Mr. Cooper, what  
33 property adjoins this property immediately to the  
34 rear?  
35

36 MR. COOPER: That I'm not aware of, but  
37 I actually did the home across the street which is  
38 like a 4,500 square foot house as of right. They  
39 have a double lot.  
40

41 MEMBER GOODSELL: I did notice that.  
42

43 MR. COOPER: And they were able to build  
44 -- it was one of my jobs that I have done in Great  
45 Neck. I used live in the neighborhood as well.  
46 And, you know, as I stated, my concern being on the  
47 master plan committee for 12 years was to try to  
48 keep homes appropriate in the neighborhood, you

## APPEAL #21201

1  
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3 know. We didn't want any out of character homes.  
4 I'm not familiar with the house right behind this.

5  
6 MEMBER GOODSELL: I'm sure the homeowner  
7 is. I'll ask the homeowner, but in a moment. The  
8 other question I have for you is where is the bay  
9 window going to go?

10  
11 MR. COOPER: In the kitchen.

12  
13 MEMBER GOODSELL: In the front of the  
14 house?

15  
16 MR. COOPER: Right. In the front of the  
17 house.

18  
19 MEMBER GOODSELL: Is it going to project  
20 further closer to the street than the portico  
21 that's there?

22  
23 MR. COOPER: No. It's not. It's just a  
24 larger window. It's gonna --and I can show you if  
25 you have the copy of the plans. We just think it's  
26 more attractive than having a kitchen sink window  
27 in the front so the bay window lets a little more  
28 light into the house and it's also more attractive  
29 in the front of the home.

30  
31 CHAIRMAN MAMMINA: Mr. Cooper, I was  
32 part of that committee initially just before I was  
33 appointed to the zoning board and I remember it,  
34 you know, very well and I remember all of the --  
35 all of the reasons why, you know. And the density  
36 and size of the houses was, you know, something  
37 that was the genesis of the whole thing. You know,  
38 the case of the double lot, I mean, a double lot  
39 has that advantage and it, of course, is easier to  
40 comply for the obvious reasons, you know. The  
41 intent of the town board, you know, Was to limit  
42 the massing, you know, of, you know, of buildings,  
43 you know. And, I mean, I do recognize that this is  
44 in the back of the house, you know. I know you're  
45 a very good architect and I know that to be very  
46 factual and I understand, you know, the, you know,  
47 the reasons, you know, that you're putting forward.  
48 Have you looked at this addition in terms of what

## APPEAL #21201

1  
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3 the rest of the neighborhood was or parts of the  
4 neighborhood. I'm not saying every single house to  
5 say well, if the zoning hadn't been changed, you  
6 know, this would've hit this house, this house,  
7 this house, you know, whenever they might be and  
8 say okay, you know, we -- then giving the board the  
9 opportunity to say okay we understand the reason  
10 for the change, you know. Our -- our job as a  
11 zoning board is not to change the zoning. All  
12 right. The zoning is established by the town board  
13 and then we do that legal balancing test, you know,  
14 between the two. Because it's easy enough for me  
15 to look at it and say well, you know, it's whatever  
16 15 and a half foot deep, well, why can't it be 12  
17 feet deep, you know, and the rest of the house, you  
18 know, is -- I have the same house so I'm familiar  
19 with it, you know, and the front and back of the  
20 house, it's divided down the middle, you know and  
21 those are both even a little short of 12 feet. So  
22 why does this one need to be 15 and it's open to  
23 the dining room and I understand the architecture  
24 will be lovely. But our job is to look at how do  
25 we maintain the context and/or how do we grant the  
26 minimum amount of variance. So if we grant it, you  
27 know, we are not giving away the store, you know,  
28 we are respecting what the zoning says, you know,  
29 and at the same time we are working halfway with  
30 the applicant.

31  
32 MR. COOPER: Thank you. The -- if you  
33 look -- overall, we are actually only six inches  
34 shy of a side yard that's required to be 10. Most  
35 of the homes in the neighborhood, when they were  
36 built, were zoned B. We are building 3,000 square  
37 foot houses back for 50, 60 years.

38  
39 CHAIRMAN MAMMINA: And that's where  
40 we're going and I apologize --

41  
42 (Multiple parties talking simultaneously.)

43  
44 MR. COOPER: Okay. So we've now  
45 restricted the houses to 2,700.

46  
47 CHAIRMAN MAMMINA: Right. That doesn't  
48 matter. Just let me put one thing onto the record,

1 APPEAL #21201

2  
3 because as I said, you know, the stenographer is  
4 not going to be able to hear the two of us speaking  
5 simultaneously, you know. You've been coming to  
6 this board probably when my hair was black and way  
7 longer than it is now. But it's the floor area.  
8 It's size of the, you know, the building that  
9 truly, you know, is the concern of the board. I  
10 mean, six inch variance, I can look at it and say  
11 that's de minimis and it lines up with the house.  
12 I mean, I've got all the reasons to put forward as  
13 to why that's fine. So it's floor area.

14  
15 MR. COOPER: If you look at this, I  
16 know, you know, the verbiage states that we are  
17 over on floor area. My -- my -- if I had to take  
18 on this, I would say we're under on side yard  
19 because the 20 -- I'm staying within the 2,700  
20 which is total acceptable size home in this  
21 neighbor. Especially to have a garage of say 200  
22 square feet or so which is included in this. So  
23 maybe I have a 25 -- less than a 2,500 square foot  
24 house which is an appropriate -- it's not enormous.  
25 It's not a small home. It's an average size house  
26 in North Hempstead. We're under six inches on side  
27 yard, which is really precipitating this whole  
28 thing. I -- I feel. I feel we are over on  
29 aggregate side yard, we're under on minimum side  
30 yard which is, you know, precipitating the  
31 situation. The additions on the back I stayed  
32 within the -- I knew to stay within the 2,700  
33 square feet. I didn't want to make it 2,699, you  
34 know, I'm 30 something square feet under which is  
35 acceptable. It's in the rear. Nobody is gonna see  
36 it, you know, other than the applicant maybe the  
37 neighbor behind them. It doesn't really have an  
38 impact on the neighborhood. It's something that  
39 the family needs.

40  
41 CHAIRMAN MAMMINA: Why do they --

42  
43 MR. COOPER: If it was a foot bigger or  
44 a foot smaller, I don't know if that adds to  
45 technicality.

46  
47 CHAIRMAN MAMMINA: Why do they need it  
48 to be 15? There is no magic to 15 and I guess the

1 APPEAL #21201

2  
3 question that I would ask is, can you comply?  
4 Let's put everything aside. Can you comply and  
5 make that floor area work?  
6

7 MR. COOPER: Well, if I took off, you  
8 know, 200 square feet it's taking half the room  
9 down.  
10

11 CHAIRMAN MAMMINA: Well, no you're not  
12 taking 200 square feet. According to this, your  
13 existing is 2,555 and your total is now 2,662 so  
14 you're -- you're taking off, you know, 106 feet,  
15 you know, which, you know, if you were to take the  
16 size of that addition and make that smaller,  
17 because, again, by law and you know the five  
18 sections of the law is do you have another option  
19 you know and you have another option. I don't mind  
20 the six inches. The six inches lines up with the  
21 house. It would look odd, you know, to push it  
22 over six inches.  
23

24 MR. COOPER: Taking 228 square feet off  
25 of a room this size --  
26

27 MEMBER HERNANDEZ: It's 129. Where's  
28 the --  
29

30 CHAIRMAN MAMMINA: Right. Where's the  
31 200? I just don't see it in your zoning analysis.  
32 The bottom second to bottom is not --  
33

34 (Multiple parties talking simultaneously.)  
35

36 MR. COOPER: We're required to have  
37 2,434. We're requesting 2,662.  
38

39 CHAIRMAN MAMMINA: Right. It's 126 --  
40

41 (Multiple parties talking simultaneously.)  
42

43 MR. COOPER: 126. Okay.  
44

45 CHAIRMAN MAMMINA: I'll give you the  
46 bay. I don't care. The bay is fine.  
47

48 (Multiple parties talking simultaneously.)

1 APPEAL #21201

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MR. COOPER: Eight feet.

MEMBER HERNANDEZ: The bay is five.  
You're 129 over. So you're 124 over.

MR. COOPER: 124.

MEMBER HERNANDEZ: Yes.

MR. COOPER: All right so its six feet.  
So my 16 foot room becomes 10 feet outside. That's  
nine and a half feet inside to put a family room.

CHAIRMAN MAMMINA: But it's 21 feet  
long.

MR. COOPER: Yeah. It's 21 feet wide.  
If I put a sectional couch in, you know, we are not  
-- we're looking to hold 6, 8, 10, 12 people in the  
room. It's the biggest room in the house. It's a  
tiny house, you know, it's not a huge house.

MEMBER DONATELLI: Perhaps I can ask the  
seam question in a slightly different way. My  
understanding is that because of the up zoning, you  
are relying on the provisions of paragraph 7029 D.  
Is that correct?

MR. COOPER: D. Yes.

MEMBER DONATELLI: And so it says here,  
in no case shall the limitations of this section  
prohibit the dwelling unless it's 2700 square feet  
on a lot held in a single separate ownership as of  
December 31, 1999 so long as the building confirms  
to all other provisions of this chapter. So does  
your argument that the homeowner has been in  
ownership since December 31, 1999 and that but for  
the six inches, it would otherwise be compliant  
with this --

MR. COOPER: Right. If I had six more  
inches on one side, I would have 27 inches on the  
house. I don't know how that's affecting the  
neighborhood or the community.

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MEMBER DONATELLI: I just needed to make sure that I understand.

MR. COOPER: For the six inches that you're -- we're dwelling on. Not to say that we should be by that six inches is what's affecting this.

MEMBER DONATELLI: I just wanted to make sure for the record, I understood your argument.

MR. COOPER: Yeah. Because the aggregate on both sides I have almost 10 feet on both sides. I have 10.3 on one side and I have 9.5 on the other side. I'm over my on 30 percent aggregate side yard requirement. So it's not like we're affecting the neighborhood or the neighbors.

CHAIRMAN MAMMINA: See, you know, I understand your opinion and I have lots of opinions as an architect.

MR. COOPER: Yeah.

CHAIRMAN MAMMINA: My opinions don't count, you know, in this scenario. But we are hear to do the balancing test and to minimize, you know, the variance that -- that we're giving, you know, just as Mr. Hernandez pointed out, when you're hitting the center of the chimney with a wall that's moving to -- there's there no north arrow on there. I mean, why can't that align with the window that's there -- excuse me, with the chimney that's there?

MR. COOPER: In this situation, it's not like I have a seven foot side yard or a five foot side yard. I have almost two 10 foot side yards.

CHAIRMAN MAMMINA: But it's not what the ordnance says though.

MR. COOPER: But the reason for this variance is to listen to each applicant and their case, and decide amongst each individual case



1 APPEAL #21201

2  
3 separately and judge our case.

4  
5 CHAIRMAN MAMMINA: Then would you please  
6 make the five points on the record. Okay. You put  
7 the five points onto the record. Because  
8 understanding when we give you this, how do we not  
9 give it to somebody else? How do we not give it to  
10 somebody else shifted in a different area. The  
11 board didn't say well if it's if back of the house  
12 it's okay.

13  
14 MR. COOPER: They are not gonna have the  
15 exact same circumstances. Every house and every  
16 client is different.

17  
18 CHAIRMAN MAMMINA: Of course everyone is  
19 different per se, but not necessarily. We get a  
20 lot of those same floor area asks, you know, all  
21 around. And again, our job is not to change what  
22 the town board felt should be put in place. And  
23 this is something that was looked at very very  
24 carefully and you know that because you were there.

25  
26 MR. COOPER: But we discussed at that  
27 time that that variance would be granted depending  
28 upon each application.

29  
30 CHAIRMAN MAMMINA: Variances could be  
31 granted. Could. Variances can always be granted.

32  
33 MR. COOPER: And for whatever the reason  
34 when that has happened, is you've been -- this  
35 board has been very strict on -- on the variances  
36 they've -- they've allowed in this neighborhood.  
37 But this was, you know, a very unusual  
38 circumstances that we were -- we are not near a  
39 city, we have spot zoning.

40  
41 CHAIRMAN MAMMINA: You can't have it New  
42 York City either. I practice in the city.

43  
44 MR. COOPER: They took our whole  
45 neighborhood and rezoned it. I could say 80  
46 percent of the lots are nonconforming. So anybody  
47 who wants to add to their house to come before you.  
48

## APPEAL #21201

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3 CHAIRMAN MAMMINA: That's not true,  
4 because the board in it's wisdom did give criteria  
5 under which that can -- that can be -- I don't want  
6 to use the word disregarded, that can still be  
7 dealt with. If there are no other advances  
8 required and everything else -- because that means  
9 everything is going to be lined up with everything  
10 and everything is going to have the proper sizes.  
11 So when something like this happens and you have  
12 something that's nonconforming and nonconforming is  
13 supposed to go away under zone. But I'm sure  
14 you've seen it, I know I've seen it, houses are  
15 being knocked down. The house next door to my  
16 house was knocked down. It was a perfectly good  
17 house that somebody paid over \$600,000 for and they  
18 just knocked it down and they put up a new house  
19 and they sold it for a million.

20  
21 MR. COOPER: Okay. The five principals.  
22 Whether an undesirable change will be produced in  
23 the character of the neighborhood or detriment to  
24 the nearby properties. No. I don't believe that  
25 this variance will have an affect or detriment  
26 affect on the neighborhood.

27  
28 MS. ALGIOS: I'm sorry. Mr. Cooper,  
29 could you state why?

30  
31 MR. COOPER: I -- mostly visual and  
32 environmental. I don't think it's affecting any  
33 light, or air, or running water, or architectural,  
34 visual negative to the sense of the community, you  
35 know, to the residence, you know, other than maybe  
36 a neighbor, rear or side neighbors that would view  
37 a room maybe six feet deeper out into the yard than  
38 it's allowed to be. I don't think that's gonna  
39 have much of an affect on the majority of  
40 neighborhood.

41 Whether the benefits sought by the  
42 applicant can be achieved by some other method.  
43 Feasible for the applicant to pursue other than a  
44 variance. Yes. If the applicant wants to, you  
45 know, not have a more comfortable house, more  
46 liveable to suit Their family, you know, yes. We  
47 all can live in a tepee or an igloo. Nobody needs  
48 half the things we live with today. So I don't

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1  
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3 think it's -- when they're asking that much to put  
4 a sectional couch in a room to watch TV, which  
5 they're not capable now unless they go into their  
6 basement, which is illegal and, you know, six foot  
7 high ceilings.

8           Whether the requested variance is  
9 substantial. I don't think it's substantial. I  
10 think the room is appropriate --

11  
12           CHAIRMAN MAMMINA: I think you left out  
13 number two.

14  
15           MR. COOPER: Whether the benefits sought  
16 by the applicant can be achieved by some other  
17 method feasible? No, you know, I think --

18  
19           CHAIRMAN MAMMINA: How can you say no?

20  
21           MR. COOPER: They don't have a family  
22 room.

23  
24           CHAIRMAN MAMMINA: So what. Does the --  
25 does the building code or a zoning code say you  
26 must have a family room?

27  
28           MR. COOPER: No. Then you don't need a  
29 kitchen, you don't need anything --

30  
31           (Multiple parties talking simultaneously.)

32  
33           CHAIRMAN MAMMINA: No. You need a  
34 kitchen. You must have a kitchen to be a dwelling,  
35 you must have bathrooms to be a dwelling.

36  
37           MR. COOPER: You know, this is so  
38 subjective. I don't think we are being  
39 inappropriate in what we are asking for. We're not  
40 asking for a 5,000 square foot house.

41  
42           CHAIRMAN MAMMINA: But you can put on  
43 the record exactly what you just said, but I don't  
44 think, you know, that could say that it can't be  
45 achieved by some other method. I mean, you got the  
46 side you can cut, you know, with more minimally and  
47 it 's affecting -- I'm saying where the fireplace  
48 things are, I mean.

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MR. COOPER: Number three, whether the requested variance is substantial? I don't believe it's substantial. I think it's appropriate for the size that we need to have an appropriate family room. I don't think it's that large.

Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? No. I don't agree that will have environmental or physical impact.

CHAIRMAN MAMMINA: Okay. Would you agree that there was a change of to zoning done by the town board in order to limit the size of houses?

MR. COOPER: And you want to know why.

CHAIRMAN MAMMINA: No. I didn't ask. I just -- I just --

(Multiple parties talking simultaneously.)

MR. COOPER: If somebody wanted to build a temple there --

(Multiple parties talking simultaneously.)

CHAIRMAN MAMMINA: I don't need a sound attorney.

(Multiple parties talking simultaneously.)

MR. COOPER: If somebody wanted to buy five lots, they had to out a limit on the size of the house.

CHAIRMAN MAMMINA: Excuse me. Mr. Cooper. Mr. Cooper, I'm very surprised at you. Okay. I know that this gets passionate and again, I've stood on that side -- I stood on that side of the podium last night. I mean, I get all of this. That's a yes or no question.

MR. COOPER: What was the question

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2  
3 again? Please repeat.

4  
5 CHAIRMAN MAMMINA: The question was --  
6 hold on. Let me go back and see that third  
7 standard and what the gist of it was, did or did  
8 not the town board want to restrict the size of  
9 houses in this community?

10  
11 MR. COOPER: Yes.

12  
13 CHAIRMAN MAMMINA: Yes. Okay.

14  
15 MR. COOPER: And other communities.

16  
17 CHAIRMAN MAMMINA: Of course.

18  
19 MR. COOPER: I introduced floor area --

20  
21 CHAIRMAN MAMMINA: We have a whole  
22 section --

23  
24 MR. COOPER: We introduced a lot of  
25 things in those years into the town code that  
26 affected the whole town.

27  
28 CHAIRMAN MAMMINA: I'm also going to say  
29 that I can't think of the last one of these that  
30 we've had in this neighborhood, you know. We've  
31 had a tiny handful, you know, of, you know, of  
32 them, you know, in this neighborhood. Okay. So  
33 let's keep going keep.

34  
35 MR. COOPER: Whether the alleged  
36 difficulty was self created? No. I think that  
37 this, you know, I think that the code is too  
38 restricted.

39  
40 MEMBER FRANCIS: But it is self created  
41 in that you are building a new structure so that's  
42 the definition of self created.

43  
44 CHAIRMAN MAMMINA: I mean, you can think  
45 it's too restrictive. I mean, I do many times.  
46 Especially in the city.

47  
48 MR. COOPER: I have to say, I read this

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2  
3 -- I read this all the time.

4  
5 CHAIRMAN MAMMINA: I understand. But.

6  
7 (Multiple parties talking simultaneously.)

8  
9 MR. COOPER: Anything is self created.  
10 Okay. You can do nothing.

11  
12 CHAIRMAN MAMMINA: Absolutely. Anything  
13 is self created.

14  
15 MR. COOPER: It's --

16  
17 CHAIRMAN MAMMINA: But the State of New  
18 York, not the town board, these come from the State  
19 of New York, you know. This is -- this is right  
20 across the board every municipality in the entire  
21 state.

22  
23 MR. COOPER: I think the way I, you  
24 know, designed the -- achieved what the client  
25 would like to have is appropriate. I don't think  
26 it's out of character. It's under the 2,700 square  
27 feet, which is not an absorbent amount of square  
28 footage to ask for, including the garage for a  
29 house on Long Island in this era. We are not  
30 building in the 1900s anymore, in the early 1900s.  
31 We are in 2020. Homes not only Great Neck, but the  
32 rest of Long Island are worth half a million to a  
33 million dollars. It's nice if somebody has a place  
34 to sit on a couch and watch TV. I think it's  
35 appropriate. I don't think it's inappropriate.

36  
37 CHAIRMAN MAMMINA: What was the town  
38 board was looking at was square footage. That's  
39 what they were looking at.

40  
41 MR. COOPER: They were reacting to many  
42 -- in the hamlet, they have a civic associations.  
43 They were mainly acting to the outburst of what was  
44 happening in terms of the 80s of abundance of homes  
45 and the size of the homes that were being built by  
46 developers and we were trying to stop --

47  
48 CHAIRMAN MAMMINA: Exactly.

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2  
3 MR. COOPER: -- not affect every  
4 homeowner who wants to enlarge their kitchen or put  
5 an addition on their house.

6  
7 CHAIRMAN MAMMINA: You're entitled to  
8 that opinion. But people were knocking houses down  
9 and they were building significantly larger houses.

10  
11 MR. COOPER: And I was against you and  
12 you were against it. And I agree with that.

13  
14 CHAIRMAN MAMMINA: And I was against it  
15 as well. So let's just keep going with the five  
16 tasks.

17  
18 MEMBER GOODSELL: We are almost at the  
19 fifth task. Maybe just for clarity, the homeowner  
20 today has an enclosed porch of 19.1 feet by 12.0  
21 feet. I'm looking at the survey that was  
22 submitted. Give me the dimension of the new family  
23 room? I'm looking at the diagram of the family  
24 room. It looks larger. Can you tell me, put aside  
25 the dimensions of the bay window, put aside the  
26 setback. Just the enclosed porch?

27  
28 MR. COOPER: 16 by 21.

29  
30 MEMBER GOODSELL: Did you consider --  
31 did the homeowner consider changing the  
32 configuration of the inclosed framed porch to be  
33 incorporated into the house using the same  
34 dimension?

35  
36 MR. COOPER: No. It's not that large to  
37 have -- we were trying to add a den. A family  
38 room. It's now a living room and dining room and a  
39 kitchen.

40  
41 MEMBER GOODSELL: Okay. The  
42 homeowner --

43  
44 MR. COOPER: We are taking the wall down  
45 and making the dining room part of the kitchen,  
46 because you could hardly eat the kitchen. It's a  
47 small kitchen. So we are left with a small living  
48 room. We are looking to add a family room. They

1 APPEAL #21201

2  
3 have children, they're getting married, they're  
4 gonna have grandchildren some day so we are looking  
5 to make the home a little nicer, a little more  
6 inviting for people to be able to come use the  
7 home.

8  
9 MEMBER GOODSELL: Okay. But just so  
10 that I'm clear, the additional square footage, the  
11 vast majority of the square footage that you and  
12 the chairman are discussing is because the family  
13 room is going to be enlarged and not kept in the  
14 same dimensions that it is?

15  
16 MR. COOPER: Yes.

17  
18 MEMBER GOODSELL: Okay. That's my  
19 question.

20  
21 CHAIRMAN MAMMINA: Okay. Did we have  
22 one more? Okay. So we hit all five?

23  
24 MR. COOPER: I believe I did.

25  
26 CHAIRMAN MAMMINA: Okay. Thank you. If  
27 your client would like to speak, you know, he can.

28  
29 MR. KLEIN: I'm Michael Klein.  
30 Homeowner. Part homeowner with my life. We've  
31 lived in this for 27 years.

32  
33 MEMBER HERNANDEZ: Mr. Klein, please  
34 give the address again.

35  
36 MR. KLEIN: I'm sorry. 6 Warwick Road,  
37 Great Neck 11023. So we've lived there for 27  
38 years. I brought up both my daughters there.  
39 We've done very little work in 27 years. We very  
40 much -- my wife has always wanted to have a family  
41 room so when we have holidays, have family over, we  
42 can kind of work out into it from our dining room.  
43 Right now we had tables and people are tight and  
44 congested. You know, I have these visions of  
45 grandchildren running around. Doesn't kind of work  
46 in what we currently have. The room we have right  
47 now, I mean, I understand square footage. I don't  
48 know enough about any of these rules to really know



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1  
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3 what's going on, but the room that we have now is  
4 very narrow. I mean, if you kind of walk into it,  
5 you see what we're talking about. You know, narrow  
6 I mean from the house to the backyard. It's just  
7 -- I mean, you saw it. It's long. It's sort of 19  
8 point something square feet long, but it's  
9 extremely narrow, it's got galaxy windows and  
10 screens that are older probably my wife and I  
11 together and I mean, it's -- it's just not  
12 conducive to just keeping that footprint and trying  
13 to build a family room. If we did, we'd  
14 effectively -- we couldn't put a couch and a TV on  
15 the wall, because we would be like this far away  
16 from the wall. It's just -- you'd just to be there  
17 to kind of understand it. I think Ms. GOODSELL  
18 asked a question that she said I could answer. The  
19 people behind me, in my neighborhood there are  
20 about five or six homes that are identical. Mine  
21 being one of them. They are just rotated. So some  
22 of have the garage on the left, some of the garage  
23 on the right, but same size, same home. House  
24 behind is an identical home effectively to my home.  
25 They have eight foot or 10 foot arborvitaes in the  
26 backyard. They can't see my enclosed porch. I  
27 have eight or 10 foot skip laurels in my backyard.  
28 Again, for privacy from the neighbors. So unless  
29 they are on their second floor looking down, they  
30 can't see this room whatsoever, in it's current  
31 state even. So there's a lot of privacy there.  
32 I'm just -- I'm just a little confused about one  
33 thing. I mean, I bought the house in 1995. Two  
34 months before my older daughter was born. You  
35 folks went -- I bought a house and I paid a lot of  
36 money for it at time, a lot more than a could  
37 afford and four years later and I didn't even know  
38 this, you changed the zoning laws. When I bought  
39 it, I had no -- I had no idea that -- I got no  
40 notification that the zoning laws were about to be  
41 changed. Not that it would have affected me,  
42 because I have no information about it. I don't  
43 know. It just seems to me that it's just odd that  
44 I bought a house under these rules and the rules  
45 changed while I lived there. And the rules -- so  
46 effectively, if I had put this in in 1996, we  
47 wouldn't be having this conversation. Is that  
48 correct?

1 APPEAL #21201

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4 CHAIRMAN MAMMINA: Understand the zoning  
5 board does not create the rules.

6  
7 MR. KLEIN: No. I perfectly understand  
8 that. I do understand that. I'm just saying I  
9 don't understand where the rules come from and  
10 understand why we are not trying to, like, you  
11 know, build some kind of fortress in the front of  
12 our house. We are trying not to affect anybody.  
13 It's in my backyard. I mean, that's my backyard.  
14 I don't understand why I can't just add some  
15 footage there. That's really --

16  
17 MEMBER GOODSELL: Who are the neighbors  
18 behind you? What type of property is in the rear?

19  
20 MR. KLEIN: They have a basketball court  
21 where they --

22  
23 MEMBER GOODSELL: It's residential?

24  
25 MR. KLEIN: It's residential. Same  
26 house as mine. Yeah. Same house. They have --  
27 they have -- they put in a brick patio, they have a  
28 basketball court where their children seem to love  
29 to basketball early in the morning on weekends so  
30 we have that nice bouncing ball and the people to  
31 the left looking at my back windows, they put up a  
32 huge house with a gazebo in the back. That's about  
33 six inches from the house next to me their gazebo.  
34 That's about the distance between the properties.  
35 The house to the right of me looking back is again  
36 the same house as mine. They don't have much of a  
37 backyard it's just concrete so they really don't  
38 spend much time back there. I think they have a  
39 grill now that they use or whatever.

40  
41 CHAIRMAN MAMMINA: Mr. Klein, please  
42 understand that's why I had asked Mr. Cooper what  
43 does the rest of the neighborhood look like.

44  
45 MR. KLEIN: Okay. Well, as a homeowner,  
46 I know what the neighborhood looks like.

47  
48 CHAIRMAN MAMMINA: I'm not being

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2  
3 critical of Mr. Cooper.

4  
5 MR. KLEIN: Understood.

6  
7 CHAIRMAN MAMMINA: But people will bring  
8 in okay this already exists around us.

9  
10 MR. KLEIN: Right.

11  
12 CHAIRMAN MAMMINA: This exists around  
13 us, that exists around us.

14  
15 MR. KLEIN: I understand.

16  
17 CHAIRMAN MAMMINA: And it helps because  
18 it gives us something to point to in the context of  
19 the neighborhood. As Mr. Cooper correctly said,  
20 every zone case stands on it's own theoretically,  
21 but everyone doesn't stand on it's own and there  
22 are points of law, you know, that -- that we have  
23 to look at and we need to go through. Mr. Cooper  
24 did a very good job of going through those points  
25 of law and supporting his argument which helps the  
26 board then to make a decision. We want to be able  
27 to show that we've made the right decision. Our  
28 goal is not to say no.

29  
30 MR. KLEIN: I understand that. I  
31 appreciate that. I just wanted to point out the  
32 two other houses, because the house that Alan was  
33 talking about, the double lot is pretty much right  
34 across the street from me. Okay. So I'm looking  
35 at a house that's, I don't know, twice the size of  
36 my house out of my front window. I understand they  
37 are allowed two, because it's a double lot but not  
38 to disparage anything that Alan does, because I  
39 like Alan.

40  
41 CHAIRMAN MAMMINA: I like Alan too.

42  
43 MR. KLEIN: He's a good architect. But  
44 the house -- okay. Again, the house right next to  
45 me where we have that three inch or six inch issue  
46 with the setback so that house is a land marked  
47 house. That was an original Alanwood farmhouse on  
48 the property. That house, unfortunately had a fire

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1  
2  
3 about three years ago in the first floor so it was  
4 rebuilt. The first floor was kind of rebuilt, they  
5 had to reside part of it but it was rebuilt to the  
6 same standard as a landmark house. But that  
7 neighbor they have -- their side -- pardon me.  
8 Again, I have skip laurels on the side there for  
9 privacy. They have -- they harbor feral cats,  
10 squirrels and birds. Okay. That's my neighbor on  
11 the left side. My right side neighbor has an  
12 identical house to me, except they have -- their  
13 lot is bigger because they have a separate piece of  
14 property on the other side of Their driveway that  
15 they own as a separate lot. Small, but there. But  
16 their house is, again, identical. But they built a  
17 second kind of room going back on their house  
18 that's by their kitchen. That was built before I  
19 moved in so. But anyway, there's my neighbors and  
20 I know them all.

21  
22 CHAIRMAN MAMMINA: Okay.

23  
24 MR. KLEIN: Any other questions for me?

25  
26 CHAIRMAN MAMMINA: No.

27  
28 MR. KLEIN: Thank you.

29  
30 CHAIRMAN MAMMINA: Very well stated.  
31 Thank you. Mr. Cooper made a good case. We will  
32 reserve decision on this application. This may or  
33 may not be decided today. Okay. Thank you.

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## 1 APPEAL #21202

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3 SECRETARY WAGNER: Next Appeal Number  
4 21202, Halyna Sarlanis; 29 Ridge Drive, Manhasset;  
5 Section 3, Block J, Lot 421; Zoned: Residence-B.  
6 Variances from 70-100.1(B) and 70-100.1(D) to  
7 legalize a detached garage that is too close to the  
8 side property line and too close to the adjoining  
9 neighbor's home.

10  
11 CHAIRMAN MAMMINA: You heard Appeal  
12 Number 21202, Halyna Sarlanis. Is there anyone in  
13 the room interested in the application, other than  
14 the applicant? Was there someone else who put  
15 their hand up? Okay. There we go over there.

16 Please give your name and address.

17  
18 MR. PYZYNSKI: Good morning. Leo  
19 Pyzynski, P-Y-Z-Y-N-S-K-I, architect. 100 Clinton  
20 Avenue, Mineola, New York.

21  
22 CHAIRMAN MAMMINA: Mr. Pyzynski, Looking  
23 good.

24  
25 MR. PYZYNSKI: Chairman Mammina, Members  
26 of the Board, nice to see you again. We are here  
27 today, Ms. Sarlanis was looking to sell her house  
28 last year and during a search, found out that her  
29 husband had constructed a one story detached garage  
30 without permits, as well as converted the existing  
31 garage at the rear basement level into a living  
32 space. So we had a number of items to legalize,  
33 the garage, the most obtrusive I'll say. The  
34 garage, Ms. Sarlanis bought the house in 1985.  
35 Sometime in the spring 1987 the husband,  
36 Mr. Sarlanis built the garage without permits and  
37 did the rest of the work. This was a complete  
38 surprise to Ms. Sarlanis and didn't realize it  
39 until last year when the realty company told her.  
40 So what we're looking to do here today is maintain  
41 and legalize that garage which was built very well.  
42 It's in very good shape. The building department  
43 is requiring us to update it to the current code.  
44 Because we are close to the property line, we will  
45 install a dense glass on the two side walls and the  
46 rear wall to fireproof it, giving us the fire  
47 rating that allows us to go right up to the  
48 property line. There is going to be significant

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1  
2  
3 cost involved in putting the dense glass as well as  
4 sheetrock the inside and so we are hoping the board  
5 will allow it to remain. Taking it down will be a  
6 great detriment to the owner. She would try to  
7 sell the house without a garage and that would be  
8 very difficult for her. With regard to the  
9 distance to property to the west, that house was  
10 built in 1987 -- 1985, I'm sorry. And that house  
11 and the other two houses to the west of us all were  
12 built with about the 29 to 30 foot setback that's  
13 required by today's code. The entire rest of the  
14 street, all of the homes are much closer and so as  
15 a result, the houses -- the three houses to the  
16 west are setback much further and then much further  
17 to the rear property line. As you know, the --  
18 there is 20 foot drop, a retaining wall there to  
19 the back parking lot. It's a commercial district  
20 on Northern Boulevard and so we do have five feet  
21 at that point, but we do not have what's required  
22 on the side, as well as to the distance in the  
23 house. I did receive a letter from the board  
24 yesterday from Mr. Chen who is here today to speak.  
25 He has concerns regarding the safety and welfare  
26 and I'm sure he would like to speak regarding that.

27  
28 CHAIRMAN MAMMINA: Okay. So why don't  
29 we have Mr. Chen come on up. Okay. Mr. Pzyznski,  
30 you can have a seat next to your client.

31  
32 MEMBER FRANCIS: Mr. Chen, do you not  
33 want to speak?

34  
35 CHAIRMAN MAMMINA: No? Okay. All  
36 right. I guess, Mr. Pzyznski, you know, from, you  
37 know, the perspective of me, you know, as one board  
38 member, I mean, garages are three feet away from a  
39 property line for a really good reason. Who takes  
40 care, you know, of, you know, of that of that one  
41 foot, you know, that -- that goes to .2 inches to  
42 2.2 feet and the weeds and things that collect in  
43 there. That's the reason for the three feet, as  
44 I'm sure you know and I don't know what the answer  
45 to that is. You're on your neighbor's property.

46  
47 MR. PYZYNSKI: Understood. Understood.

48

## APPEAL #21202

1  
2  
3 MEMBER GOODSELL: Mr. Pyzynski, I'm from  
4 New Hyde Park and in the Village of New Hyde Park,  
5 I've legalized a number of garages which did not  
6 meet the setback because back in the day, in the  
7 1950s, sometimes 40s but usually in the 1950s, the  
8 Village of New Hyde Park didn't require anything  
9 but a permit. So I have not seen anything built in  
10 1985. By the 1980s, I think almost everybody  
11 realized you need a permit to put an structure on.  
12 And so I'm looking at this thinking okay the  
13 homeowner, in my opinion, didn't want his taxes to  
14 go up. It's a fairly private backyard, nobody will  
15 notice. They are building something next door,  
16 nobody will notice. And in all other respects, can  
17 you tell us whether the garage was properly built  
18 to the building code?

19  
20 MR. PYZYNSKI: With the exception of the  
21 items that are called out on the drawings to bring  
22 it up to code, regarding fireproofing which allows  
23 us to go up the property. I grew up in New Hyde  
24 Park also and I'm actually maintaining and  
25 legalizing something on Sixth Street in the Village  
26 so I'm well aware of --

27  
28 MEMBER GOODSELL: There's a lot of them.

29  
30 MR. PYZYNSKI: 30 percent of my business  
31 is legalization so I've been a few homes. But in  
32 all honestly, I think this is the closest one that  
33 I have had to a property line. And but I have  
34 built others ones that are closer, but -- same  
35 distance rather, but they were at a concrete block.  
36 So what we're looking to do is to fireproof it  
37 properly to provide the protection. It's been  
38 there since '87 like I said. I agree, the same  
39 thing that's why a lot of people never called for  
40 the final inspection, because then the tax  
41 department is now notified and blah blah blah. So  
42 what we have here is a case where the owner, the  
43 current owner, didn't realize what was going on.  
44 That's not an excuse and I understand that, but we  
45 are gonna do all the corrective work we need to do  
46 to comply to New York State code which would allow  
47 us to go right up to the property line.

48

1 APPEAL #21202

2  
3 MEMBER GOODSSELL: Yeah. The survey  
4 doesn't show but how close is the closet structure  
5 to the garage?

6  
7 MR. PYZYNSKI: On my drawing I show the  
8 8.5 distance to the plot plan.

9  
10 MEMBER GOODSSELL: It's on the plot plan.  
11 I'm sorry.

12  
13 MR. PYZYNSKI: No problem. I got the  
14 survey from the adjacent property from the records  
15 department and that's how I located the house and  
16 got the specific number. But it's just fairly odd  
17 that those three houses have that 29 and 30 foot  
18 setback, which puts it that much closer to it. I  
19 don't -- I don't have an answer to why it was  
20 built, but we are going to do quite a bit of work  
21 to bring it up to code and provide fire protection  
22 that is required by code.

23  
24 MEMBER DONATELLI: Are you able --  
25 sorry. Were you done?

26  
27 MEMBER GOODSSELL: I'm done.

28  
29 MEMBER DONATELLI: Are you able to give  
30 us some sort of an estimate what it might cost to  
31 move the garage or to demolish the garage and to  
32 move it to a complaint spot?

33  
34 MR. PYZYNSKI: Not offhand, but I can  
35 provide that to the board. I can get some prices.  
36 But in general, to rebuild that garage, take it  
37 down and rebuild it and move it over two feet would  
38 be probably be -- detach garages are going for  
39 about 25 to 30,000. Taking it down maybe another  
40 four. So we are looking close to 40,000, 35,000.

41  
42 MEMBER DONATELLI: And do you some sort  
43 of an estimate as to what it might cost to  
44 fireproof the garage? What you're planning to do?

45  
46 MR. PYZYNSKI: Well, fortunately it's  
47 just fire rated sheetrock and I don't see that  
48 being much more than \$5,000 taped and spackled.



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1  
2  
3 There is some structural issues we'll have to do.  
4 We'll have to put a ceiling in to hold the  
5 sheetrock on the inside, but other than that, it's  
6 very well built.  
7

8 MEMBER DONATELLI: So when you give the  
9 \$5,000 figure, does that include the work on the  
10 sheetrock on the interior that you just describe?  
11

12 MR. PYZYNSKI: Correct. I'm looking to  
13 sheetrock -- the code only says sheetrock the one  
14 wall and the five foot return, but we are gonna do  
15 the rest.  
16

17 MEMBER GOODSELL: Because nobody just  
18 sheetrock one wall.  
19

20 MR. PYZYNSKI: No. It's frustrating to  
21 see, because what if the fire starts six feet away.  
22 So I always insist on the entire garage being sheet  
23 rocked. All three of the walls and the ceiling.  
24

25 MEMBER GOODSELL: You do the three sides  
26 and the ceiling?  
27

28 MR. PYZYNSKI: Correct. So it would be  
29 a significant -- significant cost for the owner to  
30 take it down and move it over two feet.  
31

32 MEMBER HERNANDEZ: This is a very  
33 unusual street, because the houses across the  
34 street all have detached garages.  
35

36 MR. PYZYNSKI: Correct.  
37

38 MEMBER HERNANDEZ: They are all close to  
39 the property, but not on top of the line and on  
40 this side of the street where your client is, there  
41 is a few garages that have been built after the  
42 fact as well but they were all built -- what  
43 appears to be from the street anyway because we  
44 don't go on the property. We only look at the  
45 houses from the street. They appear to be three  
46 feet away. So this is an exception, extreme  
47 exception. It's unfortunate, but it's something  
48 that is very difficult that we will have to

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1  
2  
3 consider. I think we should reserve this,  
4 Mr. Chairman, so we can look further just so we can  
5 look at it in the context.

6  
7 MR. PYZYNSKI: Agreed. Would the board  
8 prefer that I pull surveys for the adjacent  
9 properties to determine the exact distance from the  
10 garage to the property lines just to use as a  
11 comparison?

12  
13 MEMBER GOODSELL: I'm less interested in  
14 that. Just knowing how close the structure is.

15  
16 MEMBER HERNANDEZ: Which you already  
17 did. And I would like to see what Mr. Donatelli  
18 asked if you could get us estimates of repairing  
19 the existing garage and a move.

20  
21 MR. PYZYNSKI: Understood.

22  
23 SECRETARY WAGNER: You want to continue,  
24 correct?

25  
26 MEMBER HERNANDEZ: Continue.

27  
28 CHAIRMAN MAMMINA: Continue. As long as  
29 we are doing that, if you can, I know sometimes  
30 it's difficult to get records from the building  
31 department, because there are so many records and  
32 things over there, but maybe it's not a bad idea to  
33 see, you know, what else there is.

34  
35 MR. PYZYNSKI: Agreed. And so I would  
36 just resubmit that to the board and await decision?

37  
38 MEMBER HERNANDEZ: You don't have to  
39 come. Just --

40  
41 MR. PYZYNSKI: I want to come. I like  
42 you guys.

43  
44 MEMBER FRANCIS: Your client is not in  
45 contract to sell the house?

46  
47 MR. PYZYNSKI: Not yet.  
48

1 APPEAL #21202

2  
3 CHAIRMAN MAMMINA: She's doing the  
4 correct thing to do. Do it ahead of time.

5  
6 MR. PYZYNSKI: It was starting to be  
7 sold until we found out all of the legalizations  
8 she had to take care of and then she pulled it off  
9 the market.

10  
11 CHAIRMAN MAMMINA: Right.

12  
13 MEMBER DONATELLI: Smart move.

14  
15 CHAIRMAN MAMMINA: Yes. Yes. Smart  
16 move.

17  
18 MR. PYZYNSKI: And that's all I have  
19 today.

20  
21 SECRETARY WAGNER: So we are looking for  
22 estimates to --

23  
24 MEMBER HERNANDEZ: To bring it up to  
25 code and to move it.

26  
27 CHAIRMAN MAMMINA: To whatever extent  
28 Mr. Pyszynski can find those other records as he  
29 suggested.

30  
31 MR. PYZYNSKI: Understood.

32  
33 MEMBER GOODSELL: It's an economic  
34 (inaudible). Having watched my neighbor's garage  
35 go up in smoke about 20 years on an electrical  
36 fire, it was the -- eventually looked like a  
37 marshmallow. Thank god there was nothing near it,  
38 but it was the entertainment of the neighborhood  
39 for the day.

40  
41 MR. PYZYNSKI: All those houses in  
42 Stuart Manor, Floral Park and -- from the property  
43 line two stories up, I definitely understand and  
44 relate. Not a problem. All good?

45  
46 CHAIRMAN MAMMINA: Thank you.

47  
48 MR. PYZYNSKI: Thank you so much.

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1 APPEAL #21203

2  
3 SECRETARY WAGNER: Next Appeal Number  
4 212023, Eric Schaffer and Nancy Resiman; 73 Summit  
5 Road, Port Washington, Section 6, Block 82, Lot 43;  
6 Zoned Residence-A. Appeal for determination or in  
7 the alternative variances from 70-30(B),  
8 70-100.2(H) and 70-101(H) to construct additions  
9 and a raised terrace that are too close to a street  
10 and to legalize AC units that are in a front yard  
11 and too close to a street.

12  
13 CHAIRMAN MAMMINA: You heard Appeal  
14 Number 21184 --

15  
16 SECRETARY WAGNER: No.

17  
18 CHAIRMAN MAMMINA: I'm sorry. That was  
19 the one that was adjourned.  
20 You heard Appeal Number 21203, Eric  
21 Schaffer and Nancy Resiman. Is there anyone in the  
22 room interested in the application, other than  
23 applicant? Seeing no one.

24 Please give your name and address.

25  
26 MR. BARBACH: Good morning. Robert  
27 Barbach registered architect, 199C West Shore Road,  
28 Great Neck, New York 11024.

29  
30 CHAIRMAN MAMMINA: Please proceed.

31  
32 MR. BARBACH: I would like to submit  
33 mail in cards as an exhibit.

34 I'm joined this morning by Mr. Eric  
35 Schaffer.

36  
37 SECRETARY WAGNER: If you could just  
38 hold on. Somebody left a cell phone outside.

39  
40 CHAIRMAN MAMMINA: It's you're lucky  
41 day.

42  
43 MR. BARBACH: I'm joined this morning by  
44 Mr. Eric Schaffer, owner of the residence. Ms.  
45 Resiman is not feeling well. Eric and Nancy  
46 purchased the house and have lived there since 2013  
47 and they want to make a couple of modifications and  
48 if you've seen the property or read the file,

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1  
2  
3 you've seen some of the unusual circumstances we're  
4 dealing with. I'll try to do this quickly, I don't  
5 think it's worth a long presentation, but I'll at  
6 least build a record. The previous owner built and  
7 completed a rear addition and a deck in 1998. That  
8 addition was done with a permit and a certificate  
9 of completion. No variance was required at that  
10 time. All documents are in the property folder.  
11 That -- that was the interpretation in 1998. The  
12 interpretation obviously now is that this is a  
13 property with three front yards. We are here today  
14 to discuss whether or not indeed it is three front  
15 yards and if you are so inclined, we can have a  
16 determination and move onto the variances. The  
17 additions for it does not align with the kitchen  
18 floor. So what we're seeking to do is raise the  
19 kitchen floor which would also then require raising  
20 the roof. All right. It's pretty straightforward  
21 stuff. I mean, we are talking 16 inches but we are  
22 -- let's just say we are affecting the  
23 nonconformity in terms of the way the building  
24 department is interpreting today. I'm not blaming  
25 the building department, because the survey says  
26 unnamed road. Well, in my opinion, the unnamed  
27 road is in name only. Okay. It is not a road, it  
28 a gravel path and there is a also a gravel path  
29 that takes you to the rear of the property and if  
30 you have visited the property, you see the golf  
31 course is about 30 or 40 feet below this. So there  
32 really is no neighbor to the south, other than the  
33 golf course and the neighbor to the east is  
34 significantly distant because of this gravel path.  
35 Okay. So I'd like to go for, other than to me, I  
36 would pause for a moment to say is this something  
37 that we could make a determination, that the board  
38 is comfortable making the determination that is it  
39 is not three roads and three front yards or shall I  
40 move onto discussing the variances and the  
41 alternatives?  
42

43 CHAIRMAN MAMMINA: I think we'll --  
44 yeah. Let's go to in alternatives.  
45

46 MR. BARBACH: Okay. Fine. Fine.  
47  
48

## APPEAL #21203

1  
2  
3 CHAIRMAN MAMMINA: That way you have you  
4 your whole case on the record.  
5

6 MR. BARBACH: Happy to do so. In the  
7 alternative, we submit the variance requested are  
8 di minimus. We seek a variance to raise the roof  
9 one-story. The footprint is not being enlarged.  
10 We are not adding square footage in terms of the  
11 setbacks. We seek a variance to replace existing  
12 wooden deck which is deteriorated it was also only  
13 10 feet wide, which is a little tight to have a  
14 table and chairs. So we're increasing it by one  
15 foot just to give a little more elbow room. We  
16 also seek a variance for the air conditioning units  
17 that were installed by the prior owner. Those  
18 air-conditioning units were installed without a  
19 building permit. We've discovered this. The owner  
20 was not aware of it at the time of closing and it  
21 turns out that the location of those units really  
22 does not have an adverse impact on the neighbors.  
23 If you visit the property, you can't even see the  
24 units because of the growth that is buffering. I  
25 will take a moment to reflect that given the fact  
26 that there are three front yards, until the time as  
27 you might determine otherwise, no matter what we  
28 do, we put it in the front yard or we put it to the  
29 west of the structure and if you we put it to the  
30 west, it would have a more significant impact on  
31 the neighbor to the west. So we are actually  
32 taking a low significant nonconforming and un  
33 permitted set of objects and we are making the  
34 situation worse. So we are seeking a relief from  
35 that as well. As to the neighbors, we have two  
36 letters of support that have been submitted to  
37 staff which I believe were both physical and  
38 e-mail. We are told the third might have been  
39 submitted and I would emphasis that that's two out  
40 of four neighbors. So we only know there's four  
41 neighbors, other than the Town of North Hempstead.  
42 So the two are done I'm told the two doctors who  
43 were supposed to write a letter have not  
44 necessarily done their letter, there is no  
45 objection from any of the neighbors in fact, it's  
46 not no objection, it is support the letters are  
47 actually stating. All right. For the BZA  
48 criteria, we assert that the circumstances to this

## APPEAL #21203

1  
2  
3 property are unique. There is no adverse impact on  
4 the neighborhood. We assert that there is no  
5 practical alternative to the variances sought and  
6 we are asking for the minimum that we think is  
7 necessary. Now, in terms of substantiality, I'm  
8 not pretending I understand it, but I'd simply ask  
9 that you use your reason judgment and determine  
10 that the proposed nonconformity is not too great.  
11 We would ask for -- you're smiling. It's -- it's a  
12 lot to do about 16 inches and whatever.

13  
14 MEMBER GOODSELL: The homeowners got  
15 literally a private road. Nobody travels on it,  
16 nobody does anything. It is very unusually. At  
17 least it's not a paper road. It's a real road.  
18 But I can see the attraction.

19  
20 MR. BARBACH: And again, that's why I  
21 don't fault the building department and differing  
22 their opinions today, but it is.

23  
24 MEMBER GOODSELL: They should name the  
25 road after themselves.

26  
27 MR. BARBACH: Maybe they should. All  
28 right. Anyway, we ask for one additional  
29 consideration. That should the air-condition units  
30 -- the air-condition units are now old and will  
31 need to be replaced and we are prepared to do. So  
32 should the board grant the variances for the  
33 air-conditioning units, we ask that the variance --  
34 that as part of the variance, we be allowed to  
35 replace the air-condition units in time in the  
36 existing location.

37  
38 MEMBER GOODSELL: Why are there three  
39 air-conditioning units? Just out of curiosity.

40  
41 MR. BARBACH: Three different zones.  
42 Upper, low --

43  
44 MEMBER GOODSELL: Okay.

45  
46 MR. BARBACH: Yeah. And we are not  
47 relevant to the appeal, but relevant to the  
48 situation, we are actually enclosing the porch to



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1  
2  
3 the west at this time which is part -- which is  
4 conforming. So we separated into the conforming  
5 and nonconforming elements we are here today to  
6 deal with this part of it. I'm prepared to  
7 answering any questions and show you what we went  
8 through to get to this.  
9

10 MEMBER FRANCIS: Whatever you do with  
11 the air-conditioning, whether you replace it or  
12 not, that screen in would have to be maintained.  
13

14 MR. BARBACH: Absolutely. And it's not  
15 little screening, it's substantial screening.  
16

17 MEMBER FRANCIS: It's substantial.  
18 Absolutely.  
19

20 MR. BARBACH: Yeah. So we would replace  
21 in time at the location if you were to grant the  
22 relief.  
23

24 MEMBER DONATELLI: Well, I'm gonna jump  
25 in. I am well familiar with the property in  
26 question and with the neighborhood and I personally  
27 live right around the block so I've known about  
28 this unnamed road. First I had a comment on a quip  
29 that you said that it's unnamed road in name only.  
30

31 MR. BARBACH: Thank you, Dan.  
32

33 MEMBER DONATELLI: That's very good.  
34

35 MR. BARBACH: I was gonna do raise the  
36 roof also. Okay. Thanks, Dan. Yes, in Port  
37 Washington.  
38

39 MEMBER DONATELLI: Well coined phrase.  
40

41 MR. BARBACH: Thank you.  
42

43 MEMBER DONATELLI: I don't know if any  
44 of my other board members have any additional  
45 comments or questions, but I'm familiar with this.  
46 It's more of a gravel pathway than anything else  
47 and we've been scratching our heads a long time  
48 trying to figure it out. I've been on this board

## APPEAL #21203

1  
2  
3 now, I think now six years or so and I know that  
4 when we come across paper roads, there's a reason  
5 for it but as far as I can tell, there is no  
6 particular reason for this. Maybe somebody  
7 contemplated something once upon a time, but it is  
8 -- it's not a road in any sense that we might  
9 define a road. So as I look at the survey and I  
10 look at your site plan, I look at what it is you're  
11 trying to do, while I understand why the building  
12 department is calling this particular house a house  
13 with three front yards, really it is not in the  
14 sense that we might consider it. So I would make a  
15 motion that we grant the application. Not only for  
16 the building of the floor of the rear room, but  
17 also for the air-conditions system as they  
18 currently exist. It's preexisting nonconforming.  
19 You're merely building up, you're not changing the  
20 footprint and so I make a motion that we grant the  
21 application.

22  
23 CHAIRMAN MAMMINA: Okay. We have a  
24 motion by Mr. Donatelli. Do we have a second?

25  
26 MEMBER HERNANDEZ: Second.

27  
28 CHAIRMAN MAMMINA: Seconded by Member  
29 Hernandez.

30  
31 SECRETARY WAGNER: Can you clarify, is  
32 that --

33  
34 MEMBER DONATELLI: Granting the  
35 variance. That's correct.

36  
37 CHAIRMAN MAMMINA: Okay. So we have  
38 motion by Mr. Donatelli, seconded by Mr. Hernandez.  
39 Please poll the board, Ms. Wagner.

40  
41 SECRETARY WAGNER: Member Goodsell?

42  
43 MEMBER GOODSELL: Aye.

44  
45 SECRETARY WAGNER: Member Hernandez?

46  
47 MEMBER HERNANDEZ: Aye.

48

1 APPEAL #21203  
2  
3 SECRETARY WAGNER: Member Donatelli?  
4  
5 MEMBER DONATELLI: Aye.  
6  
7 SECRETARY WAGNER: Vice-chairman  
8 Francis?  
9  
10 MEMBER FRANCIS: I would just offer a  
11 friendly amendment to the motion in that the  
12 screening with regard to the air-conditioning units  
13 be maintained.  
14  
15 MEMBER DONATELLI: Yes. Thank you  
16 absolutely.  
17  
18 MEMBER FRANCIS: And I vote aye.  
19  
20 CHAIRMAN MAMMINA: Okay.  
21  
22 SECRETARY WAGNER: And Chairman?  
23  
24 CHAIRMAN MAMMINA: Aye.  
25 So the application is granted.  
26  
27 MR. BARBACH: Gentlemen, thank you very  
28 much.  
29  
30 MEMBER DONATELLI: Thanks for the laugh.  
31  
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## APPEAL #21204

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SECRETARY WAGNER: Next appeal, Appeal Number 21204, Liney Lukose; 90 Aster Drive in New Hyde Park, Section 8, Block 305, Lot 11; Zoned in the Residence-B Zoning District. Variances from 70-40(A), 70-41(A), 70-100.1(A) and 70-101(B) to construct a second-story addition that is too close to the street and too close to the side property line, a rear one-story addition that is too close to the side property line, an open porch that is too close to the street, and a garage which is located within the front yard, which is not permitted.

CHAIRMAN MAMMINA: You heard Appeal Number 21204, Lincy Lukose. Is there anyone in the room interested in the application, other than the applicant? Seeing no one.  
Please give your name and address.

MR. JOSEPH: Joel Joseph, applicant of record.

CHAIRMAN MAMMINA: We don't swear -- we don't swear in. All right. Go ahead. Thank you.

MR. JOSEPH: Joel Joseph, applicant of record. I'm here with the property owner, Mr. Matthew. Unfortunately Lincy Lukose was unable to make it due to an emergency so her husband is here on her behalf.

SECRETARY WAGNER: Your address, sir.

MR. JOSEPH: 1032 Port Washington Avenue, New Hyde Park.

CHAIRMAN MAMMINA: And your relationship to the property then?

MR. JOSEPH: Not at all. I work for the architect. I am the applicant of record.

CHAIRMAN MAMMINA: You're the architect?

MR. JOSEPH: Yes, sir.

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4 CHAIRMAN MAMMINA: Okay.

5  
6 MR. JOSEPH: So we are proposing a  
7 second-story addition and a plus floor addition for  
8 the kitchen. A new kitchen. We are seeking  
9 variances for the front yard setback, side yard  
10 setback. We are -- hold on one second. Side yard  
11 setback, front yard porch and a garage for the  
12 front yard from Marcus Avenue. So unfortunately  
13 this is zoned as an RB district and it was rezoned  
14 from RC to RB at a later time. Therefore, we are  
15 required to provide a 30 foot front yard setback  
16 for the front yard setback and 25 foot for the  
17 front portico and minimum seven foot required for  
18 the side yard. We are hoping to keep the existing  
19 front floor structure in tact. We are not  
20 proposing to demo it for demolition or restoration.  
21 We are simply adding on top of it and the existing  
22 structure is set at approximately 25 feet front he  
23 front yard and seven feet -- no, sorry. Five feet  
24 away from the side yard. If we were to meet the  
25 setback requirements, we would have to push the  
26 second story addition further back or to the side  
27 of the property, which will look really awkward  
28 appearance wise and I have also submitted setback  
29 requirements from 200 feet left of the property and  
30 200 feet right of the existing property, which  
31 shows dimensions for all the properties along the  
32 neighborhood. And many of these properties were  
33 constructed recently and they were all constructed  
34 in a similar fashion, which to build right above  
35 the existing structure. And I also believe  
36 constructing it right above the existing structure  
37 is the strongest way and safest way to construct it  
38 since we are not cantilevering it or transferring  
39 additional loads to the floor beams below.

40  
41 MEMBER GOODSSELL: Mr. Joseph, this is  
42 one of those unusual houses that has the street on  
43 both sides of the property. Is that correct?

44  
45 MR. JOSEPH: That's correct.

46  
47 MEMBER GOODSSELL: Its got Aster on one  
48 and its got Marcus on the other side?

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MR. JOSEPH: That's correct.

MEMBER GOODSELL: Now, the applicant treats Aster as their front yard. That's where the door is to the house?

MR. JOSEPH: That's correct.

MEMBER GOODSELL: So when you're asking us for a garage for front yard, that's looking at it from the Marcus Avenue side. Is that correct?

MR. JOSEPH: No. From the Aster Avenue side.

MEMBER GOODSELL: Well, from the Aster Avenue side, there is already an existing driveway and according to your diagram, you are looking to put the garage behind the house. Is that correct?

MR. JOSEPH: That's correct. We are hoping to extend the existing driveway to the new garage and from the back -- from the proposed garage, this is an unusually shaped -- it's 50 by.

MEMBER GOODSELL: It's quite deep.

MR. JOSEPH: Quite deep. Close to 200 feet deep and Marcus Avenue is behind the garage and from the garage, proposed garage, we have over 32 feet to Marcus Avenue. And if you look at --

MEMBER GOODSELL: You're not planning on putting a driveway from Marcus Avenue to the garage?

MR. JOSEPH: Not at all. No, not at all.

MEMBER GOODSELL: Okay.

MR. JOSEPH: And if you look at the sketch that I proposed, every house around the neighborhood has a garage built similar to this and the garage that we are proposing, it is just a

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2  
3 normal size. 20 foot by 12 foot garage, which is a  
4 typical standard size garage.

5  
6 MEMBER GOODSELL: It's one a one car  
7 garage?

8  
9 MR. JOSEPH: One car garage. That's it.

10  
11 MEMBER GOODSELL: That diagram is  
12 very --

13  
14 MR. JOSEPH: Thank you. And also, if  
15 anything, we are shrinking the building  
16 approximately eight inches from the existing,  
17 because we have two bricks at two sides of the  
18 property and the bricks are in very poor condition.  
19 They are cracked, deteriorated joints, in bad shape  
20 so we are removing the bricks and actually  
21 shrinking the building in eight inches total.

22  
23 MEMBER HERNANDEZ: I'm looking at your  
24 plans and don't see where the garage is. I see a  
25 driveway, but I don't see where the garage is.

26  
27 MR. JOSEPH: It's in the site plan.

28  
29 MEMBER HERNANDEZ: I don't see it. Did  
30 you find it, Mr. Chairman?

31  
32 CHAIRMAN MAMMINA: First and second  
33 floor.

34  
35 MEMBER DONATELLI: Drawing A1.

36  
37 MR. JOSEPH: It's on the first floor  
38 drawing A1 at the lower left hand side. I have a  
39 second set of drawings if you guys would like to --

40  
41 MEMBER HERNANDEZ: We have it on the  
42 computer that I'm scrolling through.

43  
44 MEMBER GOODSELL: You would not believe  
45 how small these things are on it. There's glasses  
46 are just about big enough.

47  
48 So just to confirm, Mr. Joseph, the  
two-story addition that you're looking to construct

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3 is too close to the street because the house is too  
4 close to the street. Is that correct?

5  
6 MR. JOSEPH: That's correct. The  
7 existing house is only approximately 25 feet away  
8 from the front yard and we are proposing to build  
9 right above it, therefore we wouldn't have to  
10 transfer loads to the existing.

11  
12 MEMBER HERNANDEZ: So all of your floor  
13 areas that you are building or adding with the  
14 exception of the garage is directly above?

15  
16 MR. JOSEPH: That's correct.

17  
18 MEMBER HERNANDEZ: And the garage is  
19 being put at least three feet away from the  
20 property line to conform?

21  
22 MR. JOSEPH: That's correct. It's just  
23 that we just happen to have two streets. One at  
24 the front of the property and one at the rear.

25  
26 MEMBER HERNANDEZ: But you are actually  
27 far enough away from the front yard there to be  
28 okay.

29  
30 MR. JOSEPH: Yeah. 32 feet away.

31  
32 MEMBER GOODSSELL: After some discussion,  
33 I make a motion that we approve the applicants  
34 proposal for the second-story addition, because it  
35 does not change the dimensions of the house with  
36 respect to the side yard. That we approve the  
37 garage, because it, with all due respect, it's an  
38 unusual property in that it has two front yards and  
39 the second front yard, Marcus Avenue, is not used  
40 as a front yard and there will be no access by way  
41 of a driveway and I think that the diagram and the  
42 plans presented otherwise conform. So I make a  
43 motion that we approve the application.

44  
45 CHAIRMAN MAMMINA: Okay. We have a  
46 motion by Member Goodsell. Do we have a second?

47  
48 MEMBER DONATELLI: Second.



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CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please poll the board.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSELL: Aye.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice-chairman Francis?

MEMBER FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Aye.

And I will just add to that that Marcus Avenue is a little bit of an anomaly, you know, within the town. That the town widens that road, because there's a lot of traffic, you know, along there and in areas there's even a barrier and people lost their rear yards so for all intents and purposes, that's their rear yard even though by definition the building department is correct that that is the front yard and there we do receive several applications a year where that comes in. So I still vote aye. Thank you.

MEMBER GOODSELL: Good presentation, Mr. Joseph.

MR. JOSEPH: Thank you. Thank you ladies and gentlemen.

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SECRETARY WAGNER: Next appeal, Appeal Number 21205, Matthew Tittler; 303 Curtis Avenue in Carle Place; Section 10, Block 35, Lot 92 in Residence-C Zoning District, which is up-zoned to Residence-B. Variances from 70-39.B, 70-41.A and 70-41.A(1)(E), to construct an addition that is too large, is located too close to the side property line and the street and with smaller than required total side yards.

CHAIRMAN MAMMINA: You heard Appeal Number 21205, Matthew Tittler. Is there anyone in the room who is interested in the application, other than the applicant? Jay, do you see anybody behind the black board there? No. You can leave it. I just wanted to make sure. Okay. Got it. Thank you.

Please give your name and address.

MS. SCHAEFFER: Good morning, Chairman and Board. Laura Schaffer, I'm with Walsh, Marcus, McDougal and DeBellis. Our address is 229 Seventh Street, Suite 200, Garden City, New York 11530.

Good morning, Chairman and Members of the Board.

CHAIRMAN MAMMINA: Good morning.

MS. SCHAEFFER: So I am the applicant of record, but I'm here with my clients Tyler and Victoria. We're seeking variances enabling my clients to construct an addition to the second floor. Essentially really just raising the roof. Similar to one of the previous applicants that you just heard. It's a total of 200 square feet and it would enable them to add a third room on the second floor, which they would be utilizing as work space and/or a bedroom. My clients moved into this home in 2010. I think my cover letter said 2013 so forgive for the misprint there. But 2010 so they've been there about 11 years. They love the neighborhood, the community, they've since grown their family from when they moved in. They have two young boys. One is five years old and they have a one-year-old as well. And also as a change

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3 that has occurred in the last two years  
4 specifically is that they've both been required now  
5 to work from home full-time. So they are both  
6 doing that so that created their need to utilize  
7 space in an unanticipated way, which is why we're  
8 here today seeking to make an adjustment if we can.  
9 So also similar to a another applicant, three of  
10 the four variances that we have today, that we are  
11 seeking today involve setbacks, but we are not  
12 changing the footprint of the property similarly.  
13 We are not going to add square footage to the  
14 setbacks. The front yard setback and the side yard  
15 setbacks. What we are doing, which I put these  
16 pictures here sorry they are little bent from the  
17 rain, is essentially just looking to raise this  
18 portion of the roof up to be flush to the second  
19 floor there and that will enable them then to have  
20 the space necessary to add a third bedroom or third  
21 room which they may use as work space. Currently,  
22 just so you understand, on the first floor it's an  
23 open floor plan. So there is really nowhere to  
24 have the privacy needed to work Their jobs and have  
25 some quite in the home when they are working. The  
26 second floor on the left side, the left side is the  
27 master bedroom. The east side are the two other  
28 bedrooms that they have. Matthew has had to  
29 utilize one of the bedrooms for his work space so  
30 they can close the door and have quite and the  
31 other now the two boys are bunked up together in  
32 the other bedroom. They would like to be able to  
33 have them, you know, the boys have their own room  
34 at some point and that's assuming there is no other  
35 family members that join as well. But for now,  
36 that's what they would like to do be able to do and  
37 then have the additional room that can be used as  
38 work space. Okay. Also similarly to that -- I'm  
39 glad I heard that other application, to the other  
40 applicant and many of the others as I'm sure you  
41 hear, the house was built it was zoned Residence-C,  
42 it is now Residence-B. The square footage that we  
43 are looking for, again, totals 200 square feet that  
44 we are adding that would enable them to create this  
45 additional room. The impact, there really isn't  
46 any to and the other neighbor we do have on the  
47 east side who would, if you want to call it an  
48 impact who would be affected by it has given us a

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3 consent form, which I did submit and hopefully you  
4 have that. I do have green cards as well if you  
5 need those. I will give those to you, I apologize.  
6 There were six neighbors that were noticed. I  
7 received four green cards, one consent form from  
8 the neighbor on the east and the neighbor on the  
9 west, the O'Neil's, they sent an e-mail I believe  
10 it was last night that was forwarded to me by Ms.  
11 Wagner in support of this as well. There has  
12 been -- as you can see, there is no opposition to  
13 this application. My clients are very known in the  
14 community, in their neighborhood. They were able  
15 to speak to the surrounding neighbors, all of them  
16 essentially and nobody had any issue with this  
17 addition.

18  
19 MEMBER GOODSELL: Ms. Schaeffer, you  
20 said there is a certificate of occupancy issued in  
21 2007 for a nonconforming house?

22  
23 MS. SCHAEFFER: Certificate of  
24 completion. I have that here. Yes. I'm sorry.

25  
26 MEMBER GOODSELL: It says certificate of  
27 occupancy.

28  
29 MS. SCHAEFFER: My mistake. Okay. So  
30 certificate of completion, there was a change made  
31 in -- started in 2005 and the certificate of  
32 complete is 2007. It was constructing the Levitt  
33 to more of a colonial home and for whatever reason  
34 they didn't complete -- go to the other end on the  
35 east side of the second floor.

36  
37 CHAIRMAN MAMMINA: You would have the  
38 same nonconformity that you had before?

39  
40 MS. SCHAEFFER: Yes.

41  
42 CHAIRMAN MAMMINA: That part is  
43 unchanged. Is increased slightly be coming over on  
44 the, you know, on the side of it to the west.  
45 Okay.

46  
47 MS. SCHAEFFER: Okay. So yes, obviously  
48 we want to bring everything up and have it

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3 conforming and just adding this additional 200  
4 square feet that again, you know, the neighbors are  
5 not impacting, the neighborhood is not impacted by  
6 this. The other homes in the area, they actually  
7 vary on this block. I know the block well. Some  
8 are just as large as the colonial, some of them are  
9 built up as this colonial, others have maintained  
10 basically the Levitt footprint that they had when  
11 they were first built. So it's not the only one,  
12 you know, on the block that's suddenly going to be  
13 a change. As I said earlier, my clients are here  
14 and they can certainly answer any questions you  
15 have or I'm open to answering any similar questions  
16 you have as well. The -- the -- you want me to  
17 reference the self created question? Okay. I'll  
18 hold off.

19  
20 MEMBER HERNANDEZ: In essence what  
21 you're doing is completing the second floor of the  
22 house?

23  
24 MS. SCHAEFFER: Yes. Yes. Correct.

25  
26 MEMBER HERNANDEZ: Over the garage  
27 completes the second floor.

28  
29 MS. SCHAEFFER: Correct. Yes.  
30 Currently right now it's like a crawl space. So  
31 the floor is already there. Each of the bedrooms  
32 have a door you can actually go in and it's used  
33 for storage, but you can walk in from one room to  
34 the other.

35  
36 MS. ALGIOS: Ms. Schaeffer, you're  
37 seeking one of your variances is floor area?

38  
39 MS. SCHAEFFER: Yes. That's the square  
40 footage increase. The 200 square feet, that does  
41 change the floor area. Again, you know, what's  
42 there now, the current floor area, is about  
43 12,454.43. So with the 200 extra square feet, it  
44 would bring it up to 36 which maybe different, you  
45 know, from the 3,130 that is permitted but it's  
46 been this way for quite a number of years now and  
47 you know hasn't negatively impacted the community,  
48 environment, anything like that.

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MS. ALGIOS: Okay. Thank you.

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CHAIRMAN MAMMINA: Is there anything  
else?

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9

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MS. SCHAEFFER: That's all I have,  
unless you have questions.

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CHAIRMAN MAMMINA: In looking at this  
and my house is in Carle Place for 42 years and  
it's a lovely community, and it's a great place to  
raise your kids and, you know, it's a big house  
for, you know, for Carle Place, you know. And I  
mean I -- when the zoning permitted a 3,000 square  
foot house, I built my house to 3,000 square feet.  
I expanded it. But I mean because it's giving it  
another push and I know it really wasn't rezoned,  
even though that's the way that it's written. It's  
been given what's called a bump up.

24

25

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MS. SCHAEFFER: Right.

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CHAIRMAN MAMMINA: You know, what I  
would say is we certainly understand the addition  
and I think in looking at the plan, I understand  
where a lot of the square footage is, I won't say  
buried, but buried in the master bedroom, you know,  
that whole side of the, you know, of the house.

38

39

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43

MS. SCHAEFFER: By the where Victoria  
currently has her work space in there. So she's  
been able to utilize that for that purpose and they  
are both gonna be working for home into the  
foreseeable future.

44

45

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48

MEMBER HERNANDEZ: You mentioned that it  
was very similar to the previous applicants. The  
difference here, however, is that the house as it  
is today, it already exceeds the maximum floor  
area, which the other one did not do. There are

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3 significant differences and now we are adding an  
4 additional 200 square feet.

5  
6 MS. SCHAEFFER: And you said the other  
7 one did not, which what do you mean --

8  
9 MEMBER HERNANDEZ: It was going up, but  
10 it wasn't exceeding the maximum floor area  
11 permitted for the house.

12  
13 MS. SCHAEFFER: Right. What's currently  
14 there you mean?

15  
16 MEMBER HERNANDEZ: No. What's here now  
17 exceeds.

18  
19 MS. SCHAEFFER: Yes. Exceeds. Exactly.

20  
21 MEMBER HERNANDEZ: I'm making reference  
22 that you alluded to the fact that it was similar to  
23 the previous case that we were looking at where we  
24 going straight up and you were correct about that  
25 part. But the significant difference is that that  
26 the other one did not exceed.

27  
28 MS. SCHAEFFER: I see. I'm sorry.

29  
30 MEMBER HERNANDEZ: So I have no problem  
31 with you going straight up. I do have a problem,  
32 however, with the gross floor area because that  
33 creates other issues.

34  
35 MS. SCHAEFFER: Right. If I may though,  
36 again, I think that -- I understand that it may  
37 look substantial on paper, the numbers and like as  
38 you said, it was previously or currently it exceeds  
39 but it does not have an adverse impact and I know  
40 that courts have upheld substantial factors on  
41 paper it's substantial, but there are no other  
42 associated impacts to the area. And as I said  
43 also, that block does have several other large  
44 colonial houses.

45  
46 MEMBER HERNANDEZ: It's one of those  
47 blocks that's beginning to convert here.  
48

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3 MS. SCHAEFFER: It's taken a while, but  
4 yeah.

5  
6 MEMBER HERNANDEZ: So we need to see how  
7 large a house permit to support the next person  
8 that stands there will say well that other house  
9 went this big so why can't we go that big. So it  
10 continues to escalate.

11  
12 MS. SCHAEFFER: Right.

13  
14 MEMBER HERNANDEZ: And then we become a  
15 very very tense sitting, which is not what the town  
16 code calls for which is why we set limits for that  
17 reason.

18  
19 MS. SCHAEFFER: I understand. If you  
20 don't have anymore questions for me, I was gonna  
21 have my clients come up, if that's okay.

22  
23 MEMBER FRANCIS: I'm gonna ask you if  
24 you're familiar for the five factors. If you want  
25 to run through those for us?

26  
27 MS. SCHAEFFER: I have. Yes. You want  
28 me to go through them with you?

29  
30 MEMBER FRANCIS: Yes, please.

31  
32 MS. SCHAEFFER: Sure. So whether  
33 there's an undesirable change will be produced in  
34 the character of the neighborhood or detriment to  
35 nearby properties will be created by granting of  
36 the area variance. Again, I don't think it really  
37 -- first of all, it's not a tremendous change to  
38 this house, you know, it's not going to make it  
39 look very different. It will square it off.  
40 Obviously there are other homes on that block that  
41 are similarly larger, they had the second floor  
42 addition. There are some smaller ones that have  
43 remained Levitt size. Not -- maybe they've had a  
44 smaller addition to the home, but there are  
45 definitely several of them on the block that look  
46 similar to this one. Whether the benefit to the  
47 applicant can be achieved by some other method  
48 feasible. For them to pursue -- so we can't



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3 comfortably add a third room up there. We can't  
4 add a pace where they have the two children  
5 currently could have their own separate bedrooms.  
6 Again, assuming there's only gonna be two and still  
7 have the work space -- private work space for  
8 Matthew that he currently needs and as I said into  
9 the for unforeseeable future. Where the variance  
10 are substantial? Again, I said on paper it does  
11 seem substantial and I understand that.  
12 Technically from where we are at now, it's only a  
13 five percent increase. But the lack of associated  
14 impacts of course have upheld substantial change  
15 based on the lack of associated impacts which we  
16 can see there are none. Whether the proposed  
17 variance will have an adverse impact physically or  
18 environmental conditions in the neighborhood or  
19 district? There are none that I know of at all  
20 that it's going to change anything with the  
21 physical or environmental conditions. Whether the  
22 alleged difficulty was self created? So you can  
23 say my clients having two children were self  
24 created. You can say my clients working where they  
25 work is self created, but they were not -- they did  
26 not take these jobs working from home full-time.  
27 That was not created, that was a result of the  
28 pandemic.

29  
30 CHAIRMAN MAMMINA: When they bought the  
31 house, that was the ordinance so that's really  
32 where the self creation comes from.

33  
34 MS. SCHAEFFER: Right. Okay. But so  
35 this is the way that they would be able to make  
36 that addition for the additional space that they  
37 would really like for their growing family in order  
38 to stay in the neighborhood and not have to move.

39  
40 CHAIRMAN MAMMINA: Yeah. I guess what  
41 we wrestle with, you know, one of the comments that  
42 I made to the board members just as we were walking  
43 upstairs is that, boy do we have a lot of gross  
44 floor area applications today. The town board  
45 initiated the ordinance, I believe in '92 or '94 and  
46 then they tightened it even further. I'm sure you  
47 understand as an attorney and of course Mr. Walsh  
48 as well. You know, again, we don't write the

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2  
3 ordnance and the reason we are here is to grant  
4 relief and do the balancing test. I mean, the town  
5 board sends a message based on your legislation,  
6 but that doesn't necessarily rule something out.

7  
8 MS. SCHAEFFER: Right. I think part of  
9 why we come you before obviously for you to do that  
10 balancing test and see what makes the most sense  
11 for you.

12  
13 CHAIRMAN MAMMINA: Sure.

14  
15 MS. SCHAEFFER: May I have my client  
16 come up?

17  
18 CHAIRMAN MAMMINA: Yeah. Sure. Please  
19 just give your name and address?

20  
21 MS. REHKUGLER: Victoria Rehkugler, 303  
22 Curtis Avenue, Carle Place.

23  
24 CHAIRMAN MAMMINA: Can you spell that  
25 just for the stenographer.

26  
27 MS. REHKUGLER: R-E-H-K-U-G-L-E-R.

28  
29 CHAIRMAN MAMMINA: Thank you.

30  
31 MS. REHKUGLER: Thank you for hearing us  
32 this morning. We've been looking forward to this  
33 for a while. So we bought our house in 2010 and we  
34 thought it was such a gem. We were very fortunate,  
35 like you're saying it is a bigger home that we feel  
36 really fortunate to find in Carle Place. We love  
37 the town. So we started exploring the -- so the  
38 one side of house has the two bedrooms and this  
39 crawl space and significant closet sizes, and you  
40 -- when we got it, we thought that was interesting  
41 and maybe not the best use of space trying to  
42 understand that and then when we -- and just also  
43 for context, I've worked full-time from home since  
44 2015 so before I was using that office that Matthew  
45 is using now. And we engaged an architect to see  
46 wouldn't it be great to split these two bedrooms  
47 into three, because they are large and that would  
48 just give the different distinction between the

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1  
2  
3 space and that was even before I had my second son.  
4 They have a four year age difference so one is  
5 turning two and the other is turning six and we  
6 envision a mixed use of the rooms where, you know,  
7 one has the different sleeping schedule and the  
8 other we can use for both office and bedroom space.  
9 And we sought this out really having no idea that  
10 there was any issue with our code and we were  
11 trying to minimize any sort of work. I didn't want  
12 to have to do much at all to achieve this however  
13 possible and we just were trying to stay within.  
14 We are staying completely within the floor. Did  
15 not realize we were out of compliance with the  
16 zoning so that was a very big surprise to us.

17  
18 CHAIRMAN MAMMINA: So your architect did  
19 not share that with you?

20  
21 MS. REHKUGLER: It was eventually  
22 uncovered. There was a lot of confusion like  
23 you're saying about the bump up and -- and we --

24  
25 CHAIRMAN MAMMINA: Was that after the  
26 final?

27  
28 MR. REHKUGLER: Yes. No. No. I don't  
29 know. Yes. I'm not sure.

30  
31 CHAIRMAN MAMMINA: Only because  
32 unfortunately we get too many people who end up  
33 here. I'm an architect, I'm not perfect, you know,  
34 and things happen. But we do get a lot of  
35 applications, specifically homeowner applications  
36 where the homeowners were not aware that they  
37 needed a variance.

38  
39 MR. REHKUGLER: Yeah. So we had done  
40 the architect work before we had submitted and  
41 found that out and were trying to work within that.  
42 I think that the challenge is that once we  
43 discovered that, figuring out the next steps,  
44 because as I understand it, we aren't able to do  
45 anything within our space to change --

46  
47 MEMBER FRANCIS: Correct.

48

1 APPEAL #21205

2  
3 MR. REHKUGLER: -- the footprint at all  
4 within getting a variance so.

5  
6 CHAIRMAN MAMMINA: Other than the  
7 interior. I mean, you can reconfigure the interior  
8 however you'd like.

9  
10 MR. REHKUGLER: Right. Okay. Sure.  
11 Sure. Sure. Yes. And as Laura explained, our  
12 downstairs is totally open. Everything -- there is  
13 no separate space you can make and then, you know,  
14 we've tried to figure that out. But we are really  
15 trying to look to use the space we had upstairs  
16 more efficiently and so we -- once we found out --  
17 it took a long time to find out the next steps, we  
18 applied for the permit and have the variance. So  
19 we appreciate the consideration as we are just  
20 really looking to use the space that we understood  
21 we had initially in a way that, you know, that  
22 allows us to serve our family and our work spaces.

23  
24 CHAIRMAN MAMMINA: We certainly  
25 understand that and are sympathetic to that. We  
26 all pay a lot of taxes, you know. And as I said,  
27 it's a great neighborhood. I raised my family  
28 there and --

29  
30 MR. REHKUGLER: And I would add, we've  
31 been there for now -- it's amazing how fast the  
32 time has gone. Our neighbors on both sides, we do  
33 know them now and they are both actually -- their  
34 houses are the Levitt size and they both have lived  
35 their for their entire lives. Sydney O'Neil and  
36 Marline and they are in -- over 60, over 70 and  
37 they were both very supportive of this and very  
38 surprised to see that we are having to go do this  
39 to this level that, you know, based on the previous  
40 work being out of compliance and those kind of  
41 things. So we appreciate having their support and  
42 hope that is helpful.

43  
44 CHAIRMAN MAMMINA: Thank you. That was  
45 very sincere.

46  
47 MS. SCHAEFFER: Do you have any further  
48 questions for me?

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MEMBER GOODSELL: I think, Ms. Schaeffer, I think you can kind of hear what the board is saying. Your -- as your house -- as your clients house stands right now, it's already almost 10 percent over the allowable floor area ratio and even though the 200 square feet doesn't seem like a lot, that now puts you 524 square feet above the allowable ratio and that's the issue that we are grappling with. The addition itself does not seem to be huge and I understand the impact that it will make on the family, but the house is already over what the town allows and that is the issue that we are grappling with.

MEMBER DONATELLI: Mr. Chairman, unless there are other questions from the other board members, I would suggest that perhaps we reserve this. They've given us quite a bit of evidence to think about so I think we should reserve decision.

CHAIRMAN MAMMINA: Mr. Walsh?

MR. WALSH: I'm Kevin Walsh, 229 Seventh Street, Garden City, New York. I can't add much, because I think it was well presented and well dialoged. I do want to make one point though, Mr. Chairman. I know that -- I've listened. You guys do struggle with the detail of this floor area and you take your charge very seriously as zoning board members. You look for that unique case. You look at that case, you know, where we can look at, as you said member -- this is a lot of square footage above when you look on paper. How can we distinguish this when the next application comes in and who is going to then ask and say -- pull this case up and say why can't I have what they have and I think that's where your charge is really centered, because it's the uniqueness of each case that you look at and you know that this house came to you already built with a CFO, there wasn't any variance in the building department file when these folks bought that would have told them don't come for another variance, because you are already well above what you can be. They wouldn't have had that initial notice and so now they come in and now all

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1  
2  
3 you're really looking at or what they are looking  
4 is that square footage is already truly accounted  
5 for in the building because that -- they have doors  
6 to the two bedrooms that exists into that ally way  
7 which is that area, that peak right there and they  
8 can walk from one room to the other. So this  
9 square footage is already in the structure that is  
10 there. The difference here is you're just raising  
11 it slightly to match the roof line. So in your  
12 wisdom and your judgment, there is enough room I  
13 think in this type of case for you to say this is  
14 unique, this is a little different. I can go past  
15 the total square footage if I have to, because in  
16 measuring all the other factors, these folks --  
17 this would really help them and I don't see a  
18 negative aspect that -- one that we can't explain  
19 away in any other case. Thank you.

20  
21 MEMBER DONATELLI: Thank you.

22  
23 CHAIRMAN MAMMINA: Thank you, Mr. Walsh.  
24 It's good to see you.

25  
26 MS. ALGIOS: Ms. Schaeffer, I'm sorry.  
27 I may have missed it. Did you discuss other  
28 options for your clients to achieve the benefit  
29 that they are looking for?

30  
31 MS. SCHAEFFER: Yeah. So first of all,  
32 there's an open floor plan so there is no option of  
33 doing it there. There is no way to close off a  
34 space and close that out or the ability to do it  
35 right now is not precedent. The second floor,  
36 Victoria already has utilized the master bedroom  
37 for her work space and so she does have that  
38 privacy there that she needs. The other two rooms,  
39 again, one of them is being utilized by Matthew for  
40 his work space with the ability to close the door  
41 off and then the other has the two boys in the one  
42 room. So there really is no way to make a  
43 substantial third room or, you know, what would be  
44 a sufficient third room without adding the square  
45 footage.

46  
47 MS. ALGIOS: Thank you.

48

1 APPEAL #21205

2  
3 CHAIRMAN MAMMINA: Could we ask the  
4 applicant, Mr. Hernandez is raising a point just of  
5 clarification because I don't understand either  
6 when -- and I'm sorry in terms of your last name?

7  
8 MS. REHKUGLER: Rehkugler.

9  
10 CHAIRMAN MAMMINA: How do you walk from  
11 one bedroom to the other bedroom now? If we  
12 understood you correctly.

13  
14 MR. REHKUGLER: There -- if you walk  
15 into the room.

16  
17 CHAIRMAN MAMMINA: Because there is no  
18 existing floor plan, you know. So -- right. It  
19 shows us demolition walls, but they're kind of all  
20 just blending in.

21  
22 MS. REHKUGLER: So if you walk into the  
23 room say you're in the hallway and you're looking  
24 at the room, straight across from where you're  
25 looking is another door and you can walk into that  
26 door in both rooms and walk along it and it goes  
27 along the peak and you can stand up. It's very  
28 tall in the middle. The crawl space. The square  
29 footage --

30  
31 CHAIRMAN MAMMINA: The crawl space. Got  
32 it. I grew up in a cape and that was my secret  
33 hiding place. It really was.

34  
35 MEMBER HERNANDEZ: So you can walk into  
36 the peak?

37  
38 MS. REHKUGLER: Yes.

39  
40 MEMBER HERNANDEZ: You can walk in and  
41 walk across to the other side?

42  
43 MS. REHKUGLER: You can. You can.

44  
45 CHAIRMAN MAMMINA: I thought you were  
46 saying the two bedrooms were connected --

47  
48 MS. REHKUGLER: They are connected by

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1  
2  
3 the crawl space.  
4

5 MR. WALSH: You can walk through this  
6 side to this side and I think what happened here  
7 was that's what they thought in realty 2005 plan  
8 look very closely I think back in the day they  
9 built it a little here than they should have to  
10 create this these guys found themselves in and  
11 that's why on the prior plan that's part of that  
12 certificate of compliance.  
13

14 CHAIRMAN MAMMINA: It's giving storage  
15 right now. Sure. It's great storage.  
16

17 MS. REHKUGLER: Right. We do have an  
18 attic that we can use.  
19

20 CHAIRMAN MAMMINA: He gets to climb in  
21 the attic to get that Christmas tree. The garage  
22 is a very deep garage. Is there a reason why that  
23 -- that garage can't -- can't be converted? I  
24 mean, it's, you know, it's directly off the kitchen  
25 area and I know that a one car garage, you know, is  
26 typical. Doesn't mean that you can't have a double  
27 length garage almost attached your house, but you  
28 can't because it's free standing it's a garage and  
29 a half, which is good because my garage and Carle  
30 Place is so tiny that my little tiny convertible  
31 car I can't open the door to get out. So the only  
32 thing it ever had in it was three apartments for my  
33 kids as they moved out of Manhattan and back to  
34 Long Island. But I mean that area back there, I  
35 mean, would give, you know, that additional work  
36 space and please understand that we need to look at  
37 alternatives, you know, as I'm sure your attorneys  
38 are doing a fine job, you know, would point out to  
39 you, you know, from the uniqueness that we would  
40 have to make that argument for as Mr. Walsh had  
41 said.  
42

43 MS. REHKUGLER: I understand and I  
44 appreciate that. And it is part of the space. We  
45 -- I know it's not only the house like this, but we  
46 don't have a connected basement so it's become much  
47 of storage it is significant for the accessible  
48 storage of the kids bicycles, toys, yard items,



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1  
2  
3 workbench space. We have a lot of those things  
4 that we use that space for and as well as a car and  
5 so we -- we -- it's hard to consider cutting into  
6 that space because of it being the main storage for  
7 those kind of items attached and it's become --  
8 yeah. It's a very significant -- it gets a huge  
9 amount of use by the children. It's a constant use  
10 from, you know, when it's raining the garage is a  
11 playroom and those kind of things. And we have not  
12 explored anything else, because it doesn't have the  
13 close connection to, I guess, heating and those  
14 kind of things that would be a more natural  
15 connection upstairs.

16  
17 CHAIRMAN MAMMINA: Okay. Thank you.  
18 All right. So if there's nothing else, I think we  
19 are gonna wanna reserve the application so that we  
20 can go on by. You've done a very thorough  
21 presentation so I don't think that there is  
22 anything else that we would need, you know,  
23 presented by you and we understand that on it's  
24 surface it's not a difficult case to understand,  
25 you know, you want to add on that extra six feet or  
26 so, seven feet, whatever it is there. Eight feet.

27  
28 MS. SCHAEFFER: Thank you.

29  
30 CHAIRMAN MAMMINA: Okay. Thank you all.

31  
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## APPEAL #21206

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3 MEMBER FRANCIS: Mr. Chairman, before we  
4 start the next case I'm going to step out.  
5

6 SECRETARY WAGNER: Let the record show  
7 that Vice-Chairman Francis is stepping away for the  
8 next appeal.

9 Next appeal is Appeal Number 21206,  
10 Esther Francine Guastello; 37 Emmerson Court in  
11 Westbury; Section 10, Block 163, Lot 12 in the  
12 Residence-C Zoning District. Variances from  
13 70-103.C(2)(a)[5] and 70-100.2(A)(4) to legalize  
14 pool fencing forward of the rear building line and  
15 within a side yard and to legalize the same fencing  
16 which is considered too tall along a side yard and  
17 too tall facing the street.

18  
19 CHAIRMAN MAMMINA: You heard Appeal  
20 Number 21206, Esther Francine Guastello. Is there  
21 anyone in the room interested in the application,  
22 other than the applicant? Okay. So that's fine.  
23 You will have the opportunity to speak after the  
24 applicant. Thank you.

25 Give your name and address, please?  
26

27 MS. GUASTELLO: Esther Francine  
28 Guastello, 37 Emmerson Court, Westbury, New York.  
29 And I go by my middle name Francine.  
30

31 CHAIRMAN MAMMINA: Okay.  
32

33 MS. GUASTELLO: I would like to submit  
34 these pictures that were taken at the  
35 recommendation of the assistant Commissioner,  
36 Deputy Commissioner.  
37

38 SECRETARY WAGNER: The photographs will  
39 be submitted as Exhibit 1.  
40

41 MS. GUASTELLO: There's some markings on  
42 the pictures and I will explain those markings as I  
43 go along. So I thank you for allowing me to come  
44 today to make this appeal. I'm requesting that we  
45 have a variance so that we do not have to install  
46 an interior estate fence and two gates at the end  
47 of the patio. Allow us to keep our six foot  
48 entrance gate and a six foot fence with lattice for

## APPEAL #21206

1  
2  
3 these reasons and I'm sure you're all familiar with  
4 these reasons that I'm stating, but I will go over  
5 them. First I want to say that this is the first  
6 time I have ever owned a house and the first time  
7 that I was dealing with having to get permits for  
8 anything. So I was relying on the expertise and  
9 the experience of the people that I'm dealing with.  
10 So we had --

11  
12 CHAIRMAN MAMMINA: That's fine. That's  
13 why we say just relax and talk to us. We don't  
14 expect you to be an expert. There's -- you do not  
15 need an attorney, you know, it's not any  
16 requirement. So just tell us what you think.

17  
18 MS. GUASTELLO: Okay. So at one point  
19 when I did buy the house we talked about getting a  
20 pool and for the sake of convince of getting in and  
21 out of the pool, we thought about in ground, which  
22 came out to a lot of money and then went the route  
23 of semi in ground. So with that, with the  
24 recommendation from the people who we bought the  
25 pool from, Brother's 3, the engineer came to the  
26 house and began making the plans. Now, he did tell  
27 us that we would need an interior gate. He did.  
28 And fence. Didn't say anything about the side  
29 fence or the gate to the entrance to our yard,  
30 which, at that time, was a four and a half foot  
31 gate. So the project went on and each time a  
32 portion of it was done, I'm gonna call him  
33 Inspector Mike would come and say okay, you  
34 complied with this and he would wry the ticket and  
35 approve it. And at one point I said, Mike, I said,  
36 can you explain to me why, if we have a six foot  
37 fence around our property, why I need this interior  
38 fence? So he said you don't for just that reason.  
39 He said you don't really need The interior fence.  
40 What you do need to do is remove your five -- four  
41 and a half foot, put a six foot gate that closes --  
42 opens outward -- self closing and that's it,  
43 because you have six feet around your entire  
44 property. Now, my back property faces some  
45 commercial and some residential. The side fence --  
46 actually, when I bought the house it was a wooden  
47 fence, the pine fences that were rotting so we  
48 replaced them with the white PVC and I purposely

## APPEAL #21206

1  
2  
3 put a foot of lattice so that it was neighborly.  
4 Subsequently, my neighbors have put six foot fences  
5 on their property on the opposite with solid  
6 fences. So that's what I did. And he said this is  
7 all enclosed, plus the fact you have an alarm on  
8 your pool, you have an alarm on your back porch.  
9 Now, the back porch was not part of the original  
10 house. It was added on. To get to that back  
11 porch, you have to go through the kitchen. The  
12 kitchen door and we keep that locked at all times,  
13 unless we are doing work on the porch or if we are  
14 in the yard. Same with the gate. The gate is  
15 always locked, unless, of course, we are going back  
16 and forth to the garage or doing any kind of work  
17 in the yard. So we have the lock on the porch, we  
18 have a lock on the pool, 95 percent of the porch is  
19 glass so that if a child is on the porch, first of  
20 all, that door is locked well and the alarm. The  
21 only way to get into my backyard is through that  
22 six foot gate and through my kitchen so I feel like  
23 we've taken as much safety precautions possible.  
24 Now, I did ask -- so let me -- so afterwards, we  
25 continued with these inspections until everything  
26 was done and finally Inspector Mike came and he  
27 said okay, you've complied with everything, I'm  
28 closing the permit. Okay. We are all happy. He  
29 said you don't need the fence, don't worry about  
30 it, you're all inclosed. Maybe three, four days  
31 later, he came back and he said ladies, I'm really  
32 sorry, but I made a mistake. You have to have this  
33 fence and I said but Mike I just spent 840 bucks  
34 for the gate \$700 for the survey I said and -- and  
35 really we are just adults here. We have no  
36 children, our relatives have no children, very  
37 rarely do children come to the house. I can't even  
38 count on one hand how many times, but we've got  
39 these safety precautions in place so what -- why  
40 now? Why do we have to this fence? So he says,  
41 well, he says my recommendation to you is to apply  
42 for a variance he said because I'm really sorry  
43 that I made this mistake. So here we are applying  
44 for the variance, but I will tell you that it's not  
45 just a caution of safety for children getting to  
46 the pool, it's a question of safety for us as well.  
47 If you look at the report, we have a rash of  
48 break-ins, car break-ins in our neighborhood and

## APPEAL #21206

1  
2  
3 twice the police chased a suspect who ran over the  
4 -- who hopped the four and a half foot fence, ran  
5 through my yard and then hopped over the six foot  
6 fence and got away. So it's just us three women in  
7 the house. If anything, that six foot fence  
8 protects us as well so you know I'm asking for this  
9 variance, because it is a safety issue and I  
10 understand about children, you know, and my  
11 neighbors are very happy, they are not concerned  
12 about the fence, because as I said, they have six  
13 foot on their property as well. Is there anything  
14 you want to -- yeah. Yeah. Sorry.  
15

16 MEMBER HERNANDEZ: Can you clarify  
17 something for me, because I'm getting a little  
18 confused (inaudible) they have that your fence is  
19 too far forward. Forward of the billing line.  
20 What is that you actually have now, where is your  
21 fence now?  
22

23 MS. GUASTELLO: Okay. So if you look at  
24 the pictures, you'll see that when you come from  
25 the street, when you come from the street, okay,  
26 you are walking down the alley way and you will see  
27 the six foot gate.  
28

29 MEMBER HERNANDEZ: In the back of the  
30 building.  
31

32 MS. GUASTELLO: Yes.  
33

34 MEMBER HERNANDEZ: Not in the front of  
35 the building, but in the back of the building.  
36

37 MS. GUASTELLO: Right. And it's inline  
38 with the back of the garage. See, and this is  
39 another issue. First they were saying your porch  
40 is part of the house, then they were saying no it's  
41 not part of the house. There's no heat there. We  
42 don't live in the back porch. Okay. So we  
43 consider the property line and that's what Mike  
44 explained to us, your property line ends here.  
45 Therefore, the gate -- the six foot gate where he  
46 pointed out was, I guess, he felt it was enough.  
47

48 MEMBER HERNANDEZ: So you have a six

1 APPEAL #21206

2  
3 foot gate there at the back of the house. Not at  
4 the back of the porch, at the back of the porch?

5  
6 MS. GUASTELLO: Correct. On the right  
7 hand side there's fence. It's six foot but a foot  
8 of it is lattice.

9  
10 MEMBER HERNANDEZ: But it's 6 feet  
11 taller.

12  
13 MS. GUASTELLO: Correct.

14  
15 MEMBER HERNANDEZ: It's five plus one  
16 foot of lattice.

17  
18 MS. GUASTELLO: Correct. And on the  
19 opposite side of the house is the same thing. The  
20 only place where we have a solid fence is the back  
21 because it's on half commercial and half  
22 residential property.

23  
24 MEMBER HERNANDEZ: Okay. So you have  
25 six foot fence going on both side of your house all  
26 the way to the back and then going across the back?

27  
28 MS. GUASTELLO: Correct.

29  
30 MEMBER HERNANDEZ: Trying to understand  
31 what you have because it's a little confusing.

32  
33 MEMBER DONATELLI: So I would just ask  
34 the intent of the town code is to really make sure  
35 that -- that there are really no blind spots. No  
36 blind spots if someone were in the house looking at  
37 the pool to make sure that there are no unattended  
38 people in the pool. So the -- the sun room that  
39 you're showing on the survey, is that made of  
40 glass?

41 MS. GUASTELLO: Yes.

42  
43 MEMBER DONATELLI: You can see out that  
44 without obstacles.

45  
46 MEMBER HERNANDEZ: And just to finish  
47 the thought, on the right side of your house. I'm  
48 standing in front of your house, we talked about

## APPEAL #21206

1  
2  
3 the left. On the right side of the house, where is  
4 that gate or fence or whatever you have there at  
5 the back of the house?

6  
7 THE WITNESS: On the other side of the  
8 house.

9  
10 CHAIRMAN MAMMINA: Here's what I would  
11 suggest ladies.

12  
13 THE WITNESS: I'm sorry.

14  
15 CHAIRMAN MAMMINA: Francine is doing a  
16 great job. If you guys want to caucus for second  
17 to clarify -- no, no, you don't need to sit down.  
18 I didn't mean it that way. But, you know, as I  
19 said in the beginning, these are very emotional  
20 issues. I get it and she's doing fine, but if you  
21 have something to add, you can go onto record.

22  
23 MEMBER HERNANDEZ: But you need to give  
24 your name.

25  
26 CHAIRMAN MAMMINA: Give your name and  
27 address and then we would just ask, please just  
28 don't put on again what Francine has already done a  
29 fabulous job.

30  
31 MEMBER HERNANDEZ: I just want to  
32 clarify the fencing. So we talked about the left.  
33 You have the gate, the six feet and then you have  
34 the fence that's six feet on going back. On the  
35 other side of the house you have a fence coming  
36 forward that's six feet, what comes across from the  
37 side property to the house?

38  
39 MS. GUASTELLO: Correct. A solid six  
40 foot fence.

41  
42 MEMBER HERNANDEZ: And that's at the  
43 back --

44  
45 MS. GUASTELLO: Still in line with the  
46 -- with the house.

47  
48 MEMBER HERNANDEZ: The back wall of the

## APPEAL #21206

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house?

MS. GUASTELLO: Yes. If you took the sun room away, then it will be inline.

CHAIRMAN MAMMINA: Or if the sun room happened to be an open porch with a roof over it, you would be able to see -- you can see through the glass?

MS. GUASTELLO: Yeah.

CHAIRMAN MAMMINA: So the intent of the zoning, I'll apologize for repeating what Mr. Donatelli said. But the intent of the zoning is that you can see as the owners anybody who might be, you know, on either one of those side yards. So the building department is correct to say okay the sun room is an structure. All right. So it has to line up with the back of the structure. That's why we are here, because as you have identified, the sun room is, you know, is glass. So you can see that area so the intent of the zoning is still carried out. That's a good thing.

MS. GUASTELLO: Okay.

MEMBER DONATELLI: Anything else?

CHAIRMAN MAMMINA: I don't think so.

MEMBER DONATELLI: So, Mr. Chairman, I make a motion that we grant the application for that very reason. I believe that the intent of the code is being met, even if we are granting the variance because the sun room does in fact allow for a full line of sight. So I make a motion that we grant the application.

CHAIRMAN MAMMINA: I think it was just the three young ladies in the front who are in favor of it and nobody wants to take it down.

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



## APPEAL #21206

1  
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3 CHAIRMAN MAMMINA: Okay. We have a  
4 motion from Member Donatelli.  
5  
6 MEMBER HERNANDEZ: Seconded.  
7  
8 CHAIRMAN MAMMINA: Seconded by Member  
9 Hernandez. Please poll the.  
10  
11 SECRETARY WAGNER: Member Goodsell?  
12  
13 MEMBER GOODSELL: Aye.  
14  
15 SECRETARY WAGNER: Member Donatelli?  
16  
17 MEMBER DONATELLI: Aye.  
18  
19 SECRETARY WAGNER: Member Hernandez?  
20  
21 MEMBER HERNANDEZ: Aye.  
22  
23 SECRETARY WAGNER: Chairman Mammina?  
24  
25 CHAIRMAN MAMMINA: Aye. The application  
26 is granted. So thank you ladies and go and enjoy  
27 your pool as the season is starting. The backyard  
28 looks lovely.  
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## Proceedings

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3 CHAIRMAN MAMMINA: Okay. So we are  
4 gonna take, like, 15 minutes. Everything is moving  
5 along very nicely and I don't want to jinks us.  
6

7 (A recess was taken.)  
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## APPEAL #21207

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3 SECRETARY WAGNER: Next appeal, Appeal  
4 Number 21207, Fifth Avenue of Long Island Realty;  
5 2072 Northern Boulevard, Manhasset, Section 3,  
6 Block 183, Lot 12, Zoned Business-A. Variances  
7 from 70-196.J(1)(a) and 70-196.J(1)(f) to construct  
8 wall signs that are too high and exceed the amount  
9 of signs permitted on a single wall.

10  
11 CHAIRMAN MAMMINA: You heard Appeal  
12 Number 21207, Fifth Avenue of Long Island Realty.  
13 Is there anyone in the room who is interested in  
14 the application, other than the applicant? Seeing  
15 no one.

16 Please give your name and address.

17  
18 MR. WESTERGARD: I wrote on my list here  
19 good afternoon, but I'm looking at the clock and I  
20 see that it's one minute until. I was very excited  
21 to see before when you guys went on break.

22  
23 MEMBER DONATELLI: It's one o'clock.

24  
25 MR. WESTERGARD: I didn't know if I was  
26 gonna make it or not so I'll still say good  
27 morning.

28  
29 CHAIRMAN MAMMINA: It's one o'clock. I  
30 fixed it last hearing. So I'll take credit for  
31 that. It was an extra five cents in my gigantic  
32 paycheck from the town.

33  
34 MR. WESTERGARD: Good morning. My name  
35 is Jeff Westergard, I'm the director of properties  
36 at the Castgagna Realty Group. Do you need my  
37 address or my home address?

38  
39 CHAIRMAN MAMMINA: Yes, please.

40  
41 MR. WESTERGARD: My work address is 2100  
42 Northern Boulevard, Suite 201, Manhasset 11030.

43 I'm the applicant and I'll be making the  
44 presentation today on behalf of David Yurman who is  
45 the store we're representing. David Yurman is  
46 currently Americana in Manhasset. David Yurman is  
47 an upscale jewelry boutique and is affiliated with  
48 our London jeweler stores. David Yurman is not a

APPEAL #21207

1  
2  
3 new tenant tot he shopping center. They currently  
4 occupy the space next door to the work that they  
5 are doing right new and they just sinned a new long  
6 term lease. I know you have this in your packet  
7 and I have a little rendition of the store facade.  
8 So currently David Yurman and in fact their sign is  
9 here. I have this to pass around. No, I don't  
10 need it back. If you want to keep it, that's fine.  
11

12  
13 SECRETARY WAGNER: So it will be Exhibit  
14 1.  
15

16 MR. WESTERGARD: David Yurman is an  
17 important tenant to the American and this landlord  
18 supports the application 100 percent. As Ginny, as  
19 you said, we are here today to seek variance to  
20 erect a wall sign on the front facade of the store.  
21 Code Section 70-196.J(1)(f) permits a maximum sign  
22 height of 18 feet. The sign we are proposing at  
23 the top is 19.3 feet. We also seek a variance to  
24 erect three wall signs on this facade where the  
25 Code Section 70-196.J(1)(a) permits only one. As  
26 you may be aware, the Americana primarily is a  
27 series of one story buildings. Some years ago the  
28 owner made a conscious decision to create these two  
29 story faced's at the shop fronts to create this  
30 Fifth Avenue or Madison Avenue look, thus our  
31 corporate name Fifth Avenue of Long Island Realty.  
32 This height increase and facade has created a  
33 circumstance where height relief from the code has  
34 been sought many times and has been granted by this  
35 board. The Americana does not have strict  
36 guidelines. We promote creativity and design over  
37 strict rules. We approve tenant signs on an  
38 individual basis and maintain a low key, discrete  
39 sign aesthetic. In fact, most signs area falls way  
40 short of what would be permissible. For example,  
41 under signs graphics with text only in the use of  
42 high qualify materials. Many other tenants, as I  
43 said before, received various relief for the  
44 signage, Louis Viton, Gucci, Fendi, Brooks  
45 Brothers, Prada and most recently Versace. And  
46 there's many more. So based upon this need for  
47 appropriate brand identification, we respectfully  
48 request that the board approves this application.

1 APPEAL #21207

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MEMBER DONATELLI: May I ask a question.  
5 What you have submitted, is this what is being  
6 proposed?

7

8

MR. WESTERGARD: Yes.

9

10

MEMBER DONATELLI: Okay. And the  
11 variances that you just sited for items that had  
12 been granted by this board in the past for  
13 American, are those instances of sign of size or of  
14 the size of the sign or are those instances of  
15 multiple signs. Do you know which variances?

16

17

MR. WESTERGARD: Yes. I've been here  
18 for many of them. It's height, number one. With  
19 these two story facades that have been created,  
20 it's almost natural that the sign has to be up that  
21 high and it just -- that's one of the things that I  
22 guess Mr. Castanza when he had made this decision  
23 to consciously change the look of the shopping  
24 center maybe didn't realize and then thereafter  
25 this board has been very accepting of this -- these  
26 height restrictions. And the multiple signs, it's  
27 been pretty common. They normally ask for two or  
28 three signs and in my cases like in this one,  
29 Chairman Mammina, if you look over to the right  
30 hand side there, there's a little David Yuman logo  
31 on the column.

32

33

CHAIRMAN MAMMINA: Yes.

34

35

MR. WESTERGARD: So, you know, that  
36 counts, of course, as a sign.

37

38

CHAIRMAN MAMMINA: Sure.

39

40

MR. WESTERGARD: So if you even just  
41 request a logo, that's the --

42

43

MEMBER DONATELLI: I understand and  
44 forgive me, perhaps I didn't phrase my question  
45 properly. Do you have any instances where this  
46 board has granted two signs, one directly on top of  
47 the other both saying the exact same thing?

48

1 APPEAL #21207

2  
3 MR. WESTERGARD: Yes. And what happens  
4 in those cases, is that the -- there's a sub sign  
5 that falls right above the door.

6  
7 CHAIRMAN MAMMINA: It's a small sign.

8  
9 MR. WESTERGARD: Exactly.

10  
11 CHAIRMAN MAMMINA: I mean, like, when  
12 that little David Yurman over there, take it as I  
13 mean it. I don't care. That's fine. This little  
14 logo, these have done very elegantly but I could be  
15 wrong, you know. But I don't think we've ever done  
16 a sign of this size, you know. Two of them one  
17 right over the other.

18  
19 MEMBER GOODSELL: Both of them seem to  
20 be illuminated. One seems to be back lit, one  
21 seems to be illuminated. I am the newest member of  
22 the board. I know --

23  
24 MR. WESTERGARD: Nice to meet you.

25  
26 MEMBER GOODSELL: -- I've seen you.  
27 I've seen you present and I've been to the shopping  
28 center several times, spent hundreds of dollars  
29 there.

30  
31 MR. WESTERGARD: Good. Thank you.

32  
33  
34 MEMBER GOODSELL: But since I've been on  
35 the board, I don't think I've ever seen you ask for  
36 two signs. That -- there's two signs on two sides  
37 of the building. We just had one several meetings  
38 ago. There have been signs on the front facing the  
39 parking lot and on the back, which we completely  
40 understand but I don't think I've seen any as I  
41 drive along.

42  
43 MEMBER HERNANDEZ: Actually, I do know  
44 that shopping center unfortunately a little too  
45 well and I have seen many many many signs and we  
46 have approved many signs where we have gone above.  
47 We're not debating that. Okay. We have done one  
48 sign on top. We have also done a small street sign

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3 over the door and I can think of one in particular  
4 in mind, because I was there very recently.  
5 Happens to have a very large sign on top and you  
6 can see it from Northern Boulevard.

7  
8 MR. WESTERGARD: That's one. Yeah.

9  
10 MEMBER HERNANDEZ: And then you have a  
11 very small discrete sign over the door so when  
12 you're walking along that beautiful promenade  
13 there, you can see. You don't have to bend your  
14 neck to see way up at the top. 20 feet in the air.  
15 But what's shocking and I've been in your existing  
16 David Yurman, you do not have this one. Okay. You  
17 do not have these two big signs. This sign is way  
18 too big if you're going to put that one up there.  
19 This sign should be a small sign at the height of  
20 the door to tell anybody walking by this is David  
21 Yurman. I don't think it needs to be recited,  
22 because we all know what David Yurman looks like  
23 and we would recognize this store and the jewelry,  
24 but I find this to be a little bit over the top to  
25 be honest with you.

26  
27 MR. WESTERGARD: You know, I had this  
28 discussion with them and I said exactly the same  
29 thing and I told them to make it smaller. This is  
30 the smaller version. I swear. I'm not kidding.

31  
32 MEMBER HERNANDEZ: Again, the premise is  
33 and I can understand them saying we need the height  
34 because of that whole shopping center is elevated  
35 to Northern Boulevard, you won't see that it's a  
36 David Yurman there unless it's high enough. So I  
37 can see that being up there.

38  
39 MR. WESTERGARD: Yeah. The tall one is  
40 13 inches high and smaller one is eight inches high  
41 and the one the bottom, it may be rendered.

42  
43 MEMBER HERNANDEZ: Yeah. The little  
44 logo.

45  
46 MR. WESTERGARD: May I just see it?  
47 Sure. The David -- the smaller David Yurman is a  
48 black face letter and it's edge lit. So it has

1 APPEAL #21207

2  
3 just a little edge lighting around it. The David  
4 Yurman at the top, that's a face lit sign. So  
5 that's the big one.

6  
7 CHAIRMAN MAMMINA: We're also not used  
8 to seeing face lit signs on that shopping center.

9  
10 MR. WESTERGARD: This one is on the  
11 street sign.

12  
13 CHAIRMAN MAMMINA: Yeah. No. I  
14 understand and I may be wrong on that. It almost  
15 seems like it lacks -- we are not an aesthetic  
16 board, you know, but it seems like it lacks  
17 elegance, you know, from the rest of that shopping  
18 center. I mean, looking at the Golden Goose sign  
19 next to it. Even the David Yurman sign down below,  
20 there's a certain sophistication to that and again,  
21 we are not aesthetic, you know, but the David  
22 Yurman looks a little shopping centerish.

23  
24 MEMBER DONATELLI: I would point out  
25 that, I don't know, perhaps six months ago, a year  
26 ago we had an application from a restaurant that  
27 had a similar request for two signs and I know that  
28 we had a great deal of difficulty with that as  
29 well. As the Chairman said, we are not an  
30 aesthetic board. And yet, my understanding of the  
31 reason for the town ordinance is to prevent that  
32 kind of duplication.

33  
34 MR. WESTERGARD: Understood.

35  
36 MEMBER DONATELLI: I, personally, as on  
37 board member have no problem with the logo that is  
38 lowest of the signs. I think that is certainly --  
39 it's more of a trademark perhaps and serves as  
40 something to help identify to the pedestrians, but  
41 it has been noted by other board members, there are  
42 times when the height variance must be varied  
43 because of the architecture of the building,  
44 whatever, I understand that. But where you have  
45 two signs that are duplicative, that is my big  
46 issue.

47  
48 MR. WESTERGARD: Yeah. Is there -- I



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1  
2  
3 know I don't have -- I don't have a graphic  
4 representation of what it would look like if it was  
5 taken down to six inches.  
6

7 CHAIRMAN MAMMINA: I don't think that  
8 that would be the trick, you know. I mean, I'm  
9 only one board member, you know, and I would say  
10 this strikes me odd for this shopping center and  
11 that's okay. You know, I normally don't do a  
12 negotiation with this kind of thing, but, you know,  
13 I'd rather see -- because we have granted this  
14 piece of architecture of the sign that is up in  
15 here eliminate that one and then maybe down here on  
16 the glass with a very small David Yurman. You  
17 know, we are certainly not trying to hurt anybody's  
18 business. We want everyone to be successful.  
19

20 MR. WESTERGARD: Sure. Sure.  
21

22 CHAIRMAN MAMMINA: But this is -- this  
23 is out of character.  
24

25 MEMBER GOODSELL: David Yurman they're  
26 not seeking it out because of the architect,  
27 they're seeking out because it's David Yurman.  
28 It's a little over kill. I have to agree with the  
29 Chairman on that.  
30

31 CHAIRMAN MAMMINA: As a matter of fact  
32 and it may be unfair and again, I don't mean to in  
33 anyway, I don't know if demean is the right word,  
34 you know, but we just had a little Mexican taco  
35 restaurant in strip center on Old Country Road  
36 where they wanted a sign over a sign, you know, and  
37 you know we said pick one or the other.  
38

39 MR. WESTERGARD: Yeah. Understood.  
40

41 CHAIRMAN MAMMINA: You know, it's, you  
42 know, it's not gonna get two signs and I agree and  
43 I know that I'm repeating and I'll apologize for  
44 what Member Hernandez said. Yes, from the road  
45 that is way up high so, you know, understanding a  
46 sign up at that height, but I also don't think that  
47 people are driving down the road saying, hey, let  
48 me find David Yurman, you know, they know where

## APPEAL #21207

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that is.

MR. WESTERGARD: Designation.

MEMBER GOODSELL: They will find it from the very top sign, because, Mr. Westergard is right. We approve the higher sign because of the facade of the building because they're all high but you can see that from Northern Boulevard. I'm not sure what purpose of the second sign is. Did you want to go back to David Yurman and tell them what we --

MR. WESTERGARD: Yes. Well, I'm going to have to.

CHAIRMAN MAMMINA: We will continue it rather than deny it.

MR. WESTERGARD: Thank you.

CHAIRMAN MAMMINA: I hate the word deny, you know, but --

MEMBER GOODSELL: Disapprove. Disapproval.

CHAIRMAN MAMMINA: Disapprove. Okay.

MR. WESTERGARD: Let me ask you this; I guess I'm just thinking out loud. I know that the date for the store opening is June. So if we continued the application, then I wouldn't get the go ahead to do the higher sign and the logo yet.

MEMBER GOODSELL: If we continued it, could David Yurman withdraw the application?

CHAIRMAN MAMMINA: I'll ask Deborah and Virginia, if they come back.

MS. ALGIOS: If they --

SECRETARY WAGNER: They still would need a variance for one sign.

1 APPEAL #21207

2  
3 CHAIRMAN MAMMINA: But if they came back  
4 with another sign that was up here that we found  
5 acceptable, I think the question is could that be  
6 approved by the Board at the next hearing?

7  
8 MR. WESTERGARD: When is the next  
9 hearing?

10  
11 SECRETARY WAGNER: April 27th.

12  
13 MR. WESTERGARD: The 27th of April.  
14 Three weeks. Why don't I talk to the David Yurman  
15 folks and see what they want to do. I don't think  
16 that's an unreasonable time for them. If they're  
17 not gonna be ready for just a sign they have to  
18 build, I don't think that's gonna affect their  
19 schedule. So how about I come back -- do I still  
20 have to do the notifications again and everything?

21  
22 MS. ALGIOS: No. And also, you had  
23 mentioned there were some other stores along there  
24 that also have two signs on the front. Since we  
25 are continuing this, if you want to send the board  
26 some photos so they can see for comparison purposes  
27 what some of the other stores along there have.

28  
29 MR. WESTERGARD: Yes. Thank you. Yes,  
30 I will.

31  
32 MEMBER DONATELLI: My other suggestion  
33 and I don't mean to put pressure on you, but if  
34 you'd like --

35  
36 MR. WESTERGARD: I'm used to it. That's  
37 okay.

38  
39 MEMBER DONATELLI: If you think you  
40 might be able to get instructions now from David  
41 Yurman, we can second call this with everyone's  
42 permission.

43  
44 MR. WESTERGARD: Today?

45  
46 MEMBER DONATELLI: Yes. It's entirely  
47 up to you.

48

1 APPEAL #21207

2  
3 MR. WESTERGARD: Yeah.

4  
5 CHAIRMAN MAMMINA: That may be  
6 difficult.

7  
8 MR. WESTERGARD: Yeah. It's a  
9 corporation.

10  
11 CHAIRMAN MAMMINA: It's not like you're  
12 calling the local grocer down the block.

13  
14 MR. WESTERGARD: Yeah. Yeah. I don't  
15 think I'm gonna get an answer today.

16  
17 MEMBER DONATELLI: We are trying to be  
18 sensitive to your time constraints, but we want to  
19 make sure that this gets done properly.

20  
21 MR. WESTERGARD: Yeah. My guess is that  
22 what they are gonna try to do is -- what I'll try  
23 to do is come back with some of these others that  
24 show -- that have the major sign but then the  
25 subordinate signs is much smaller. Perhaps that's  
26 what I'll come back with at the next --

27  
28 CHAIRMAN MAMMINA: Because we're really  
29 -- we're really not gonna give direction, you know,  
30 you can come back with two things, three things,  
31 you know, and we can take a look at what those  
32 things are. I think the message to bring back to  
33 your client is that the double sign, you know, is  
34 not, you know, is not going to work based on what  
35 the attitude of the board is.

36  
37 MR. WESTERGARD: I understand.

38  
39 CHAIRMAN MAMMINA: I'm sure you know  
40 that's what they have now, you know, is just a very  
41 simple sign off to the side, you know. And, I  
42 mean, it I guess it's worked, but, I mean, they are  
43 entitled to ask but I don't think that that's going  
44 to fly. I realize they are doing other work to the  
45 store front and all of that.

46  
47 MR. WESTERGARD: I understand. I  
48 understand it perfectly. I get it.

## APPEAL #21207

1  
2  
3 MEMBER HERNANDEZ: And again, it's not  
4 necessarily just the two signs because you are  
5 right, there are handful of stores there that has  
6 two signs. But one is clearly meant from the  
7 traffic in the street and the other one is much  
8 significantly smaller and is really for the  
9 pedestrians to see. This is not for the  
10 pedestrians. This is equivalent to what some other  
11 buildings have for the traffic for the cars.

12  
13 MR. WESTERGARD: Yes. I do understand.

14  
15 MEMBER HERNANDEZ: It's not the two,  
16 it's the size of the signs.

17  
18 MR. WESTERGARD: Got it.

19  
20 CHAIRMAN MAMMINA: All right. So I  
21 think what will happen --

22  
23 MR. WESTERGARD: We will continue. Yes.  
24 That's okay.

25  
26 CHAIRMAN MAMMINA: We will continue it.  
27 You can stay in contact with Ms. Wagner. I just  
28 think that a front lit sign is inconsistent with  
29 the rest of the shopping center. But as I said, we  
30 are not an aesthetic board. But I mean that's--  
31 that would be up to you and, you know, Mr. Castanza  
32 or the Castanza family or whoever does the  
33 management of the property there. I mean, it's not  
34 whether or it's back lit or front lit, you know.  
35 It's the concept of having one sign directly over  
36 another sign.

37  
38 MR. WESTERGARD: I just have one  
39 question that the tenant may ask me today, because  
40 I'm getting the feeling that if I had only the  
41 upper sign and the logo on the right hand side,  
42 that we would be okay with that. I want to be able  
43 to report that to them, that's all. You're not  
44 having an issue with the top sign or the logo.

45  
46 CHAIRMAN MAMMINA: As I said, we don't  
47 answer questions.

48

## APPEAL #21207

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3 MEMBER HERNANDEZ: The height on the  
4 upper sign, we probably -- I, as one board member  
5 would have no objection to the sign being up that  
6 high which exceeds the maximum height. I would not  
7 have an objection being the one primary sign. My  
8 problem, as one board member, is the fact that you  
9 have a large sign above the height and then you  
10 have another significantly sized sign roughly six  
11 or eight feet below it, you know. They are not  
12 even far apart. So it's just a little bit too  
13 much.

14  
15 MR. WESTERGARD: I get it.

16  
17 CHAIRMAN MAMMINA: I think, you know,  
18 the attitude of the board is, you know, is most  
19 probably that a single higher sign is fine in  
20 whatever style, you know, that you decide to make  
21 it. I mean, you know, that's up to the Americana  
22 shopping center and having that second sign  
23 directly below it, no, I don't think so. A little  
24 something at the level of the window or something  
25 down below so that as you're walking down you can  
26 see where it is and I'd still say for me, as one  
27 person, I'll give you the little logo too. That's  
28 okay, you know.

29  
30 MR. WESTERGARD: This board has been  
31 very accommodating to the shopping center. I thank  
32 you for it.

33  
34 CHAIRMAN MAMMINA: They are wonderful  
35 tenant within the town.

36  
37 SECRETARY WAGNER: Do you want to ask  
38 your client if they wanted to withdraw that second  
39 sign and allow you to come back for a second call  
40 today?

41  
42 MR. WESTERGARD: Why don't I do that.  
43 That would be good.

44  
45 CHAIRMAN MAMMINA: You can try and if  
46 you can't reach them, then you can't reach them.

47  
48 MR. WESTERGARD: I can get in touch. I

APPEAL #21207

1  
2  
3 definitely can get in touch with them.  
4  
5 SECRETARY WAGNER: Okay. We will do a  
6 second call and decide --  
7  
8 MR. WESTERGARD: So I'll come back  
9 later.  
10  
11 CHAIRMAN MAMMINA: Yeah. Just come on  
12 back in.  
13  
14 MR. WESTERGARD: Okay. I'll call him  
15 from here.  
16  
17 CHAIRMAN MAMMINA: Yeah. Call him from  
18 here.  
19  
20 MEMBER DONATELLI: And just let our  
21 staff know what would you like.  
22  
23 MR. WESTERGARD: Thank you so much. I  
24 appreciate it.  
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## APPEAL #21208

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SECRETARY WAGNER: Next appeal, Appeal Number 21208, The Edelson Property Group, LLC; 158 Main Street, Port Washington, Section 5, Block 37, Lot 820 in the Business-B Zoning District. Conditional use 70-139(A) and variance from 70-103(A) to construct interior alterations to convert a retail space to an ice cream shop (a conditional use) with not enough parking.

CHAIRMAN MAMMINA: You heard Appeal Number 21208, the Edelson Property Group, LLC. Is there anyone in the room who is interested in the application? Seeing one hand and you will have the opportunity to speak after the application. Thank you, ma'am.

MR. MIGATZ: Bruce W. Migatz, Albanese and Albanese, 1050 Franklin Avenue, Garden City, New York. Good afternoon. I represent the applicant and the owner of the property, The Edelson Property Group, LLC. The principal Steven Edelson is with me today and the Robert Eschbacher fair well tour has made a stop here and Mr. Eschbacher backer is present. He has submitted a traffic -- parking study and he will also summarize that and answer some questions for you.

CHAIRMAN MAMMINA: We might have to see his CV. I don't know if we accept him.

MR. MIGATZ: Understandable. Yes. We are here before you seeking a conditional use permit in a parking variance to convert a vacant retail store into an ice cream shop. For the record, the property is 158 Main Street, Section 5, Block 37, Lot 820, Zoned Business-B. The property is improved with a prior nonconforming commercial store. It was built in 1935 with no off street parking. The building department record reflects that in 1948, a partial second-story was constructed as a residence and that was pursuant to a variance by this board in Appeal Number 1143. The Edelson Property Group purchased this property in December of last year. It was last -- last occupant was Christina Chen Designer Accessories.



## APPEAL #21208

1  
2  
3 It was a retail store and they've used the  
4 second-story as an office, as we could best  
5 understand. It was not an occupied apartment up  
6 there. So Edelson Property Group proposes to  
7 convert this to an ice cream shop. The first floor  
8 will have 12 chairs and takeout, and there will be  
9 manufacturing their own ice cream and their ice  
10 cream sandwich cookies. And on the second floor,  
11 there will be additional seating. There would be  
12 another -- I'm sorry. 12 chairs on the first  
13 floor, 16 chairs on the second floor for a total of  
14 28 chairs. This is a new business for Mr. Edelson.  
15 The anticipated hours and we can't, you know, hold  
16 ourselves to this, because it is a new business,  
17 during the, you know, warm seasons, spring through  
18 fall, most likely seven days a week. The hours  
19 would fluctuate depending upon the demand and in  
20 the off season, there would probably be less days  
21 and less hours. The conditional use that's  
22 required is for all food services. Let me address  
23 those -- that criteria. First criteria is the  
24 purpose of zoning set forth in the town law and use  
25 of permitted in the district. The town code  
26 permits food uses as conditional uses, which case  
27 law has held to a permitted use subject to  
28 appropriate conditions. Second factor, whether the  
29 proposed use of such a character, size, location,  
30 design and site layout be appropriate to and in  
31 harmony with surrounding properties. Once again,  
32 case law has held that by making a use a  
33 conditional use is a very strong presumption that  
34 is in harmony with the surrounding properties  
35 subject to appropriate conditions and as a matter  
36 of fact, Main Street, Port Washington has numerous  
37 food uses, sit down restaurants, take our  
38 restaurants, delicatessens and so forth. Third  
39 criteria, whether the use will provide a desirable  
40 service or convince to a neighborhood or otherwise  
41 contribute to the proper growth and development of  
42 the community. Everybody loves ice cream. It  
43 certainly is a desired service, but more  
44 importantly, this use will contribute to the proper  
45 growth and development of Main Street, Port  
46 Washington that has way too many vacant stores.  
47 The proper growth of Main Street needs these stores  
48 to be occupied and Mr. Edelson went out on a limb.

## APPEAL #21208

1  
2  
3 He did buy this building outright and he's opening  
4 to open this ice cream shop, which not only will  
5 fill one of the many vacant stores on Main Street,  
6 but also provide a desirable service to the  
7 community. Fourth factor, whether the use would be  
8 hazardous, conflicting for neighborhood by reason  
9 of excessive traffic and Mr. Eschbacher backer will  
10 address that momentarily. And lastly, whether the  
11 proposed use will be objectionable to nearby  
12 residential dwellings. The proposed use is no more  
13 objectionable than any other retail store that goes  
14 in there with insufficient parking. The only  
15 difference is that there is preparation of ice  
16 cream and ice cream sandwiches, and there is a  
17 refrigerated garbage locker provided in the sellar  
18 to mitigate any affects that that might have. At  
19 this, I would like to call Mr. Eschbacher to  
20 address the parking variance that we seek. Mr.  
21 Eschbacher.

22  
23 MR. ESCHBACHER: Good afternoon, Mr.  
24 Chairman and Members of the Board. My name is  
25 Robert Eschbacher with VHB Engineering. My office  
26 is located at 100 Motor Parkway in Hauppauge. I  
27 was retained by the applicant to review the parking  
28 situation with respect to this proposed ice cream  
29 shop. Based on the site plan and notice of  
30 disapproval from the building department, the ice  
31 cream shop would require 19 parking spaces, but as  
32 Mr. Migatz indicated, there is no onsite parking.  
33 Therefore, we are before you today asking for a  
34 variance. This shop would be located in the  
35 downtown shopping area in Port Washington, which  
36 has on street parking available along both sides of  
37 Main Street. As the board is aware, along this  
38 whole section of Main Street, as in other downtown  
39 shopping areas in Long Island, many of the billings  
40 were built without the benefit of onsite parking.  
41 As a result, municipalities developed municipal  
42 parking fields and provided on street parking to  
43 accommodate the demand. Unlike many other  
44 businesses that you might find along here, most of  
45 the customers for this store will be drawn from  
46 general pedestrian traffic in the downtown area.  
47 This is not what I would call a destination  
48 location. Instead, much of the business will come

## APPEAL #21208

1  
2  
3 from shoppers in the area, local business workers  
4 and they are also hoping to get customers after  
5 school from students. The busiest times for this  
6 would be late afternoons when there would be  
7 primarily pedestrian traffic and in the evenings  
8 after dinner, but at that time, many of the other  
9 stores have closed and generally not generating the  
10 parking that would be found at other times in the  
11 day. I've had a number of discussions with the  
12 applicant about his proposed business and based  
13 upon those, would determine that the actual parking  
14 demand at the busiest times would be only eight  
15 parking spaces. This would consist of five  
16 customers at anyone time in there and a great deal  
17 of that activity is take out and there would be a  
18 maximum of three employees. The on street parking  
19 spaces in the municipal park field can accommodate  
20 this parking need and it's also important to note  
21 that this will actually generate less parking  
22 demand and other uses that are permitted as of  
23 right such as a hair salon in a comparable size  
24 building. In conclusion, based upon the results of  
25 my parking evaluation, it is my professional  
26 opinion that the available parking in the area will  
27 be adequate to accommodate the actual needs of the  
28 proposed ice cream shop and I recommend that this  
29 application be approved by the board. I'd be happy  
30 to answer questions.

31  
32 CHAIRMAN MAMMINA: Any questions of Mr.  
33 Eschbacher?

34  
35 MR. ESCHBACHER: Thank you.

36  
37 MEMBER DONATELLI: I do have a question.  
38 I'm not sure if this is proper for Mr. Eschbacher  
39 or Mr. Migatz. My question is to deliveries of  
40 supplies. How do you anticipate delivering of any  
41 supplies? I understand you will be manufacturing  
42 the ice cream onsite, but how will the supplies be  
43 delivered?

44  
45 MR. MIGATZ: As you know, Mr. Donatelli,  
46 on Main Street, Port Washington there are very few  
47 loading zones and I mean, I see it all the time.  
48 Trucks will stop in front of the store. This store

## APPEAL #21208

1  
2  
3 does have -- it's a very strange situation. There  
4 is a right of way behind the store that shows on  
5 the radius map. It comes off of Cooker Street,  
6 which I tried to research who owns that and I can't  
7 determine who owns that. But when I was up there,  
8 I did see, you know, there were some trucks back  
9 there, workman's trucks and so forth. So there  
10 would not be large, large tractor trailer coming to  
11 this site. So they could go in the back if need  
12 be, but most likely they would do what other stores  
13 do. They would stop in front.

14  
15 MEMBER DONATELLI: We have had  
16 applications for other stores in the area off that  
17 right of away so we do have some familiarity with  
18 that right of way and I know it can be problematic,  
19 of course, it was laid down long, long ago, but I  
20 just needed to ask that question.

21  
22 MR. MIGATZ: I understand. But I think  
23 realistically they would probably stop in front,  
24 you know, at off hours. You know, this is lower  
25 Main Street. It's not as busy as upper Main Street  
26 and, you know, you and I drive by there all the  
27 time and there always seem to be empty meters in  
28 that area. Just going through very quickly because  
29 it's starting to get late, the balancing test for  
30 the area variance. Whether an undesirable change  
31 will be produced in the neighborhood or detriment  
32 to nearby properties by granting of the variance, I  
33 submit to you that an enhancement of the  
34 surrounding community will occur, because once  
35 again, we are filling vacant stores which we  
36 desperately, desperately need in Port Washington if  
37 that Main Street is going to survive. And there  
38 are numerous uses there. Numerous food uses.  
39 Very, very few have off street parking and somehow  
40 it works. It works. People find a way to park in  
41 municipal lot, or meters, or they walk. They walk.  
42 Landmark on Main Street is right down the block  
43 post pandemic they are starting to pick up now and  
44 it's a very short walk from landmark to this ice  
45 cream shop hopefully. Whether the benefit can be  
46 sot by other means? No. There is just no parking  
47 available in lower Main Street, Port Washington.  
48 Whether the variance is substantial? You've heard

## APPEAL #21208

1  
2  
3 me say many times that the percent of deviations is  
4 not the true test. You have to look at the whole  
5 picture as Judge Goodsell use to say. Did you  
6 question him on that, Ms. Goodsell?  
7

8 MEMBER GOODSELL: I did and I said what  
9 on earth makes Mr. Migatz think that anything you  
10 may have said to him has any bearing on me.  
11 Mr. Migatz doesn't know me very well.  
12

13 MR. MIGATZ: Well, it's true and there  
14 is commentary in case law that says the same thing  
15 that you have to look at the whole picture.  
16 Whether the proposed variance will have an adverse  
17 environmental affect as unlisted action. I would  
18 submit to you that it will not have a negative  
19 impact. The parking is actually -- well, they are  
20 both understood actions, I should say. Difficulty  
21 is self created, because Mr. Edelson bought the  
22 building knowing there is no parking but that is  
23 not detrimental to an area variance. I think the  
24 plan commission gave both a determination on it and  
25 we do have 10 consents, both from residents within  
26 300 feet and from businesses and I have -- Exhibit  
27 1 is a copy of the radius map with the 10 consent  
28 forms attached and I've highlighted the properties  
29 that have consented. Nothing further to add,  
30 unless the board has any questions.  
31

32 CHAIRMAN MAMMINA: We had someone with  
33 their hand up. Come on up, give your name and  
34 address.  
35

36 MS. LAURIA: I'm Amy Lauria, 5 Colby  
37 Road, Port Washington, New York. I've known  
38 smooshed product since its beginning. Mr. Edelson  
39 is a tremendous asset to our community. He's  
40 constantly helping people within the community.  
41 Who doesn't like ice cream? I think that it is an  
42 amazing concept and I do feel that it will be an  
43 addition to the community. I know having two  
44 children who walk Main Street on Fridays instead of  
45 them causing chaos, I rather them go eat ice cream.  
46 So I truly am in favor of this and feel that it  
47 will be an asset to the community. As far as  
48 parking goes, it's so empty down there at this

1 APPEAL #21208

2  
3 point just based on what happened with Covid and  
4 restaurants. I think that it won't be a problem.  
5 People can figure it out. They walk there or I  
6 just think it's going to be an added asset and I  
7 just wanted to put in my two cents. Thank you.

8  
9 CHAIRMAN MAMMINA: Thank you.

10 Yes, sir.

11  
12 MR. FEATHERSON: Hi. My name is John  
13 Featherson. I live at 5 Plymouth Road in Port  
14 Washington and I basically are seconding what Amy  
15 said and the attorney said. There's a lot of  
16 children in Port Washington. I disagree with the  
17 fact everybody likes ice cream, because my wife  
18 hates ice cream.

19  
20 MEMBER DONATELLI: You just put that on  
21 the record.

22  
23 MR. FEATHERSON: That's all right. And  
24 I park there all the time. There's a lot of stores  
25 in there. There's a wine store there that I  
26 frequent not too often but once a month or so and  
27 you find parking so that's it and it's a great  
28 asset to the community. Kids come up from the  
29 playing fields, people could walk up from the  
30 harbor to go to stores there. Thank you.

31  
32 CHAIRMAN MAMMINA: Thank you. Thank you  
33 both for coming out.

34  
35 MR. MIGATZ: I would like to order a  
36 transcript, because that's the first time the  
37 public spoke in favor of my application.

38  
39 CHAIRMAN MAMMINA: Mr. Migatz, I will  
40 admit I was waiting for the but.

41  
42 MR. MIGATZ: I'll have to get that  
43 transcript.

44  
45 MEMBER DONATELLI: Thank you. Is there  
46 anyone else who wants to be heard on this matter?  
47 I'm sorry was that --  
48

1 APPEAL #21208

2  
3 THE WITNESS: Ditto.

4  
5 CHAIRMAN MAMMINA: Thank you.

6  
7 CHAIRMAN MAMMINA: Okay. Thank you all  
8 for coming. So it's always good when neighbors  
9 come in support or in opposition. It's always good  
10 to have neighbors there.

11  
12 MEMBER DONATELLI: At the extent of  
13 making a pun, I think it's very refreshing to have  
14 the neighbors here. Thank you. I would just say  
15 that I think Port Washington and a lot of people  
16 love Port Washington because it a walkable  
17 community, I think that's part of the special  
18 nature of it and so having said that, Mr. Chairman,  
19 I make a motion that we grant the application.

20  
21 CHAIRMAN MAMMINA: We have a motion by  
22 Member Donatelli.

23  
24 MEMBER DONATELLI: With restaurant  
25 conditions.

26  
27 CHAIRMAN MAMMINA: With restaurant  
28 conditions. Do we have a second?

29  
30 MEMBER HERNANDEZ: Second.

31  
32 CHAIRMAN MAMMINA: Seconded by Member  
33 Hernandez. Please poll the board.

34  
35 SECRETARY WAGNER: Member Goodsell?

36  
37 MEMBER GOODSELL:Aye.

38  
39 SECRETARY WAGNER: Member Donatelli?

40  
41 MEMBER DONATELLI: Aye.

42  
43 SECRETARY WAGNER: Member Hernandez?

44  
45 MEMBER HERNANDEZ: Aye.

46  
47 SECRETARY WAGNER: Chairman Mammina?

48

APPEAL #21208

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CHAIRMAN MAMMINA: Before I officially  
vote aye, I will say that it is very sweet that  
everyone came out for flavor of the application.

MEMBER DONATELLI: Sure. You laughed at  
his joke. Thank you.

CHAIRMAN MAMMINA: Thank you.

MEMBER HERNANDEZ: Good luck.



1 APPEAL #21207

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SECRETARY WAGNER: Second call for Appeal Number 21207, Fifth Avenue of Long Island Realty 2072 Northern Boulevard, Manhasset in the Business-A Zoning District. Variances from 70-196.J(1)(a) and 70-196.J(1)(f) to construct wall signs that are too high and exceed the amount of signs on a single wall.

CHAIRMAN MAMMINA: So we have a second call on Appeal 20217, Fifth Avenue of Long Island Realty. I'll still ask again if there is anyone in the room who is interested in the application, other than the applicant? I'm seeing no one.

Please give your name and address again.

MR. WESTERGARD: Craig Westergard, 2100 Northern Boulevard, Suite 201. I want to thank the board for their further help this morning on the matter and your willing to negotiate this with my client that I was able to contact and he would like to for me to come back in three weeks with an alternative. So that's what we will do. Okay.

CHAIRMAN MAMMINA: That's fine. So we will continue the application and you needn't wait three weeks to resubmit some things. If you want to send some things ahead of time, I think that's okay, you know, and --

SECRETARY WAGNER: Are you coming back or are you resubmitting?

MR. WESTERGARD: I believe what -- what the -- I spoke with the lead person for David Yurman and I believe what they are going to want to -- what he told me they are going to pursue is just as you had suggested, Chairman, a very, very, very discreet sign, second sign very, very small like the others Board Member Hernandez, because, you know, you're right. The other ones are smaller.

CHAIRMAN MAMMINA: Ladies, is it necessary to come in?

MS. ALGIOS: So you can just submit then

1 APPEAL #21207

2  
3 the revised plans to Ginny.

4  
5 MR. WESTERGARD: Yes. That's what I'll  
6 do.

7  
8 MS. ALGIOS: And she'll send them out to  
9 the board.

10  
11 MR. WESTERGARD: Great. Great.

12  
13 MEMBER HERNANDEZ: You don't need to be  
14 present when the board meets in a few weeks is the  
15 point I'm trying to make.

16  
17 MR. WESTERGARD: I don't even need to  
18 come again?

19  
20 MEMBER HERNANDEZ: No.

21  
22 SECRETARY WAGNER: No because the record  
23 will be kept open. Anybody who is interested in  
24 seeing the revised plan they are able to see what  
25 the revised plans are and we may or may not make a  
26 decision on the 27th.

27  
28 MR. WESTERGARD: Could I come to the  
29 meeting?

30  
31 SECRETARY WAGNER: The problem is if you  
32 wanted to present again we have already advertised  
33 for that meeting.

34  
35 CHAIRMAN MAMMINA: Yes. Right. We  
36 would no be able to do that, but certainly you  
37 would either by live stream you can hear the  
38 deliberation, you know, of the board, you know,  
39 regarding that and, you know, also if you'd like to  
40 come and listen yourself, you may do that as well.

41  
42 MR. WESTERGARD: Because I think what I  
43 -- I'm sorry.

44  
45 CHAIRMAN MAMMINA: The deliberation is  
46 always in person, but you would not have the  
47 opportunity to speak again.

48

1 APPEAL #21207

2  
3 SECRETARY WAGNER: Maybe there still is  
4 a possibility.

5  
6 MR. WESTERGARD: Only because at that  
7 time then my schedule would be getting tight and I  
8 think if the tenant -- if we -- if the decision was  
9 that they were not going to get that third sign at  
10 this next hearing, I would like to at least be able  
11 to walk out saying that we will have the high sign  
12 and the logo so that they could move forward and  
13 still have a sign when they open the store in June.

14  
15 MS. ALGIOS: So then we will continue  
16 this then to April 27th.

17  
18 SECRETARY WAGNER: And you would like to  
19 present on the 27th?

20  
21 MR. WESTERGARD: Yes.

22  
23 SECRETARY WAGNER: So you would have to  
24 send --

25  
26 MR. WESTERGARD: Regular mail? Okay.  
27 That's fine. Thank you so much. Thank you, Steve.  
28 Thank you.

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1 APPEAL #21209  
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4 SECRETARY WAGNER: The next appeal,  
5 Appeal Number 21209, Port Washington Fire  
6 Department, Incorporated; 423 Port Washington  
7 Boulevard, Port Washington; Section 6, Block 59,  
8 Lost 50, zoned in the Residence-B Zoning District.  
9 Variances from 70-40.B, 70-41.D, 70-42.6(F),  
10 70-103.B and 70-103.F to construct an addition to a  
11 firehouse that is too close to the front property  
12 line and too close to the side property line, with  
13 too much front yard paving, with a loading zone  
14 that is smaller than required and a new parking lot  
15 containing parking spaces that are smaller than  
16 required.

17  
18 CHAIRMAN MAMMINA: You've heard Appeal  
19 Number 21209, Port Washington Fire Department, Inc.  
20 Is there anyone in the room interested in the  
21 application, other than the applicant? So do we  
22 have the pass around paper for people to sign in?  
23

24 SECRETARY WAGNER: We do.  
25

26 CHAIRMAN MAMMINA: So what we are going  
27 to do is we'll pass around a memo pad so that you  
28 can sign it.  
29

30 SECRETARY WAGNER: Is there anybody that  
31 does not have there name on the list?  
32

33 CHAIRMAN MAMMINA: Good. And again,  
34 just as I had said earlier, everybody will have the  
35 opportunity to speak if you would like to. We try  
36 not to repeat one another, sometimes that's  
37 difficult, you know, and as perhaps you saw in the,  
38 you know, in the hearing before, you know, people  
39 who just stood up and said I agree with what the  
40 previous person said. Yes. Name and address on  
41 the record. Yes. And everyone may speak if they  
42 would like to.  
43

44 MR. DEWITT: Good afternoon, Mr.  
45 Chairman and Members of the Board. My name is Bill  
46 Dewitt from the Law Firm of Bee, Ready, Fishbein,  
47 Hatter and Donovan located at 170 Old Country Road,  
48 Mineola, New York. We are representing the Port

## APPEAL #21209

1  
2  
3 Washington Fire Department located at 423 Port  
4 Washington Boulevard, Port Washington. Before I  
5 get started, it's our understanding that perhaps  
6 the community which is present which is great may  
7 be asking for an adjournment of the hearing and we  
8 think that making our presentation may answer a lot  
9 of the questions the community may have. But if  
10 it's something that the board wanted to discuss or  
11 entertain before we went forward, just wanted to  
12 have the opportunity to have that discussion.

13  
14 MEMBER GOODSELL: No. I think you're  
15 the only person who has the authority that it be  
16 adjourned or ask that it be postponed.

17  
18 MR. DEWITT: Thank you, Member Goodsell.  
19 I appreciate that clarification.

20  
21 CHAIRMAN MAMMINA: So for the record, no  
22 adjournment?

23  
24 MR. DEWITT: No. We're not requesting  
25 one. We're ready and prepared to go forward.

26  
27 CHAIRMAN MAMMINA: Just so everyone  
28 understands, the request for an adjournment belongs  
29 to the applicant, you know, and not to the public  
30 or the opposition.

31  
32 MR. DEWITT: Thank you, Mr. Chairman.  
33 My plan is to present just a general overview of  
34 the fire department and then I'm gonna hand it over  
35 to Mr. Alberto who is our architect and then Mr.  
36 Eschbacher our traffic expert, as well as -- also  
37 here today are two members of the department, the  
38 Chairman Mr. Michael Tedeschi and the Treasurer  
39 Chris Bollerman who will present some more  
40 information. So just some background on the  
41 department. It's a little odd in my scenario for a  
42 fire department in most cases to be before a zoning  
43 board, because we are not a taxing entity. So I  
44 just wanted to run through some history and the  
45 department and pass it off to Mr. Alberto and I'll  
46 be brief. So the departments history with the --  
47 in Port Washington dates back to the late 1880s  
48 when there were four independent companies that

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1  
2  
3 operated to provide fire protection in the  
4 peninsula and then in about the early 1900s, the  
5 company realized that they needed a central  
6 department if you will in order to coordinate all  
7 the fire actives and so on. In 1907 they created  
8 the Port Washington fire department and the fire  
9 department was then operated by the members  
10 coordinating the various activities and at that  
11 time, the way the Fire Department was funded for  
12 the most part was purely through donations and then  
13 so as things progressed in about 1961, it became  
14 clear that the department needed a headquarters and  
15 so that's when the current location was constructed  
16 and that's where they are currently located.  
17 Things went along as planned for many years, about  
18 three decades with the volunteer members providing  
19 both fire protection, emergency services to the  
20 peninsula, but also running the administrative and  
21 day-to-day activities of the department and the  
22 four companies. However, as you all know, as time  
23 goes by there are more regulations, more laws, more  
24 ordnances and what the department realized is that  
25 in the early 1900s, was that they needed an  
26 administrative board to operate the fire  
27 department. So in the 1990s, they changed their  
28 structure to create the administrative board which  
29 Mr. Tedeschi and Mr. Bollerman are members are they  
30 are elected by the membership of the department.  
31 Now, the department itself is not a municipality,  
32 not a taxing entity. It's a private non for profit  
33 corporation that serves the peninsula which is --  
34 the are is about 11 square miles and the way they  
35 primarily get their funding is through grants,  
36 donations, as well as entering into fire protection  
37 contracts with several villages and the Town of  
38 North Hempstead for certain area. Although not a  
39 municipality, the department does its best to act  
40 like a municipality. We present budget hearings to  
41 all of the villages and town, we do our best to  
42 comply with the two percent tax cap, we comply with  
43 foil so there are many avenues that the department  
44 follows in order to act like a municipality.  
45 However, the department recognizes subject to the  
46 authority of the town with respect to zoning and  
47 permits not like the police district, which is a  
48 separate type of entity. What we are seeking here

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1  
2  
3 is an opportunity to bring the headquarters into  
4 the 21st Century which Mr. Bollerman will discuss  
5 and the needs for that. It's not just  
6 administrative needs which the headquarters serves,  
7 it also serves the command and control center when  
8 there's an emergency on the peninsula, whether it  
9 was the pandemic, whether it was Sandy and whether  
10 it was some more recent flooding that had happened  
11 due to heavy rains. So there's more to it than  
12 just being location for, you know, the -- a clerk  
13 to go over low sound points. There's a lot more to  
14 it than that. They have about nine employees that  
15 report to headquarters. Those employees do various  
16 things for maintenance, not only on the  
17 headquarters building but other locations within  
18 the department, as well as maintenance on the fire  
19 trucks at the other companies not at headquarters.  
20 You'll hear that department is seeking to create  
21 not a two story building, but just have a build out  
22 of a one-story building, which Mr. Alberto will go  
23 over and then add a much needed parking area to  
24 that building. If you've ever driven down Port  
25 Washington and you know that we're across the  
26 street from the police district pretty much,  
27 there's not a lot of parking there and there's not  
28 a lot of safe places to stop and so Mr. Eschbacher  
29 is going to discuss the parking issue. Really what  
30 we would like to do is work with the board and  
31 hopefully come to an agreement here, but what we  
32 did was more than just what a private entity would  
33 do. Much like a municipality, we did reach out to  
34 the community last June. Sent out mailers and  
35 invited the community to come to a board meeting to  
36 discuss what it is we want to do. Two members of  
37 the community showed up, they supported the  
38 program. In addition, we went a little further.  
39 Then we posted these items on our website. We came  
40 up with what we thought would be 11 frequently  
41 asked questions as to what it is we were going and  
42 placed that on our website. So attempting to be  
43 completely transparent as to what it is we are  
44 seeking to do. And with that, Members of the  
45 Board, I do have an exhibit I'd like to hand up.  
46 Exhibit 1. And I'd like to hand it off to  
47 Mr. Alberto.  
48

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1  
2  
3 MR. ALBERTO: Good afternoon, Chairman  
4 and Board Members. My name is Don Alberto  
5 architect. 61 Highland Avenue in Port Washington.  
6 2019 I was first brought on to start exploring this  
7 addition. Although, the board has been thinking  
8 about additional space for a number of years before  
9 that. The firehouse was built in 1961. It houses  
10 two ambulances which are on call each day and  
11 office -- an office area and a dispatch area.  
12 Dispatch handles all the communications for the  
13 department. There are seven facilities to the  
14 department including this one and all the  
15 operations for the control center operate out of  
16 here. But the department has grown over the years  
17 and as Mr. Dewitt said, there's a lot more  
18 paperwork involved, a lot more technology and  
19 equipment and so forth. So they are really  
20 bursting at the seams. It's amazing what they can  
21 do out of that little space now. They have a  
22 dispatch office where the fire chiefs share a desk  
23 and they have an open office area with the  
24 administrative people work and the five board  
25 members work out of and it's just too small. There  
26 is no privacy and they need some space. So I want  
27 to talk about the program I was asked to design,  
28 their needs and then talk about the variances and  
29 how they came about. The first issue is space.  
30 They need room for three fire chiefs each with  
31 their own desk. So that would be one room. They  
32 need a room for five board of directors each with  
33 their own desk so they can operate and do their  
34 functions. Each have particular tasks. They need  
35 a room with three desks for the administrative  
36 Staffing, including an office manager to do the  
37 nitty-gritty work of everyday operations. They  
38 have a room for a dispatcher center, that's the  
39 communications hub and they need a conference room  
40 that will act as an emergency operation center  
41 should there be a catastrophe. Major fire, a  
42 spill, climatic problem and all the leaders of the  
43 department will meet there and work out of a large  
44 room to accommodate whatever issue has to be done.  
45 So the first issue is space. The second and really  
46 important one is ADA compliance. Right now you  
47 have to walk up several steps to get to the front.  
48 There is no accessible access into the building and



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1  
2  
3 there is no accessible parking space. So we are  
4 going to solve those issues and bring them into  
5 compliance. Without that, they're at risk for  
6 potential problems. The third program issue is  
7 public use. This building is not very user  
8 friendly now from the public. There's no place to  
9 park. You can stop on Port Washington Boulevard,  
10 but that's dangerous. You have to, with those  
11 steps, get in and then when you get in, there's no  
12 place to meet and sit down with someone in a  
13 private setting. There's one big office. So they  
14 need to be more user friendly with people coming  
15 into the building and the fourth programatic from a  
16 design standpoint is the internal communications of  
17 all these offices. They need to work together.  
18 They need access, things happen fast, they need  
19 quick in and out communications. So you will see  
20 how the plan is laid out to accommodate all of  
21 these issues. So those are the program or design  
22 criteria. Now, there are some additional problems  
23 and that it's a corner lot. So as you know, corner  
24 lots have restrictions and you can't do what you  
25 can with a rectangular lot.

26  
27 MEMBER FRANCIS: Mr. Alberto, if I could  
28 just interrupt for one moment. Mr. Dewitt, do you  
29 have another pamphlet we can circulate around the  
30 room?

31  
32 CHAIRMAN MAMMINA: Excellent idea,  
33 Mr. Francis. Thank you.

34  
35 MR. ALBERTO: So it's a corner lot and  
36 secondly it's an L shape lot. Again, a difficult  
37 design layout.

38  
39 CHAIRMAN MAMMINA: May I just say one  
40 other thing to the public. If anyone would like to  
41 come up into this area so that you can see the  
42 boards, you know, Mr. Alberto is then speaking from  
43 those, but anything that's up on the board is gonna  
44 be in this packet. The presentation is to the  
45 board -- the zoning board, you know, and that's  
46 why, again, excellent suggestion from Mr. Francis.  
47 But I'm saying if anybody wants to, you know, feel  
48 free come on up here and be in this area here.

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2  
3 From that perspective, it's informal but it appears  
4 that there's even more information in the packets  
5 than there is on the boards.

6  
7 MR. ALBERTO: Can I continue?

8  
9 CHAIRMAN MAMMINA: Sure. Mr. Donatelli  
10 is also making a very good suggestion. If anyone  
11 would like to just -- we can just take a couple of  
12 minutes and you can come on up and take a look.

13  
14 MEMBER FRANCIS: That wasn't in this  
15 particular package.

16  
17 MEMBER DONATELLI: Let me just suggest  
18 this because you all express an interest in wanting  
19 to see what's on the boards so as to make it not  
20 very disruptive, if you want to take a minute now  
21 come up, take a look at these boards on display and  
22 that way we won't interrupt the presentation.

23  
24 MR. ALBERTO: So we have a corner lot --

25  
26 CHAIRMAN MAMMINA: Why don't we hang on  
27 for a minute. Yeah. And anything that is shown  
28 there, is shown in this packet. I just double  
29 checked.

30  
31 MEMBER DONATELLI: So if you all had a  
32 chance to take a look at those, why don't we  
33 continue with the presentation and as the Chairman  
34 promised, everyone will be heard.

35  
36 CHAIRMAN MAMMINA: Mr. Alberto, if you  
37 want to start over, you may.

38  
39 MR. ALBERTO: Okay. I don't think I  
40 need to start over, but I think I made it clear  
41 what their needs are and also pointing out the  
42 complexities of the side. The corner L shape and  
43 there is a slight hill from north to south so there  
44 is some peculiarities to the site and that triggers  
45 the needs for variances. And finally, the property  
46 is in a Residence-B District. So because of the  
47 nature of the use, the building falls into  
48 nonresidential category which has different

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2  
3 setbacks than a residence and that makes it a  
4 little more difficult to comply with the code.  
5 Now, if you go one block to the north, that's where  
6 the business district starts along Port Washington  
7 Boulevard. I do have a portion of the zoning map  
8 that I would like to submit.  
9

10 SECRETARY WAGNER: Exhibit 2.

11  
12 CHAIRMAN MAMMINA: And that shows where  
13 the property is and shows that a block away is a  
14 commercial district. So I'm doing this to help  
15 describe the character of the street front. So  
16 before I go through the plan, I did want to mention  
17 the board from the very beginning gave me the  
18 charge that this has to look like a residence. We  
19 want to keep low scale like it fits into the  
20 neighborhood. We made some compromises to make  
21 sure that it does look like a residence and I think  
22 what happened with this property, is it's two  
23 buildable lot in a Residence-B District. So when  
24 they subdivided sale many years ago, there were  
25 these two lots. I guess nobody wanted them.  
26 They're on Port Washington Boulevard. Who would  
27 want a house on Port Boulevard. So along came the  
28 fire department back in the early 60s and it worked  
29 great for them. It's also a strategic place for  
30 access to Port Boulevard, which is the main artery  
31 to the peninsula. So to get in and out with the  
32 ambulance makes a lot of sense with this property.  
33 I'd like to just quickly show you how we answered a  
34 lot of those problematic issues in the plan. So  
35 I'm gonna start with the site. This lightly  
36 hatched area is the existing building. There's the  
37 garage with the ambulances that go right out to  
38 Port Boulevard and there's a driveway and access to  
39 the rear where there is existing parking for the  
40 users of the building. We are proposing the dark  
41 hatched area, which kind of surrounds the back and  
42 side of the building and a new parking lot for  
43 residence right off Colonial. You'll see the first  
44 sport closest to the building is accessible parking  
45 so we resolved that access issue. These uses for  
46 residents will get out and walk into a side on  
47 grade so now we have or accessible entrance into  
48 the building to deal with that problem that exists.

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1  
2  
3 When you get to this point, now I'm going to walk  
4 through the plan. You will see that there's this  
5 corridor that kind of brings you into access of  
6 every room. First thing you will do is, you'll  
7 come to the conference center or the emergency  
8 operations room so anyone coming in can walk right  
9 into that front of the hallway down there is Board  
10 of directors room, a chief's room and if you  
11 continue in the hall, there's the administrative  
12 office and the dispatch center. So there's access  
13 to all of these rooms if you need to speak to  
14 someone individually. Internally, we have all of  
15 these doors connecting to the main office area. So  
16 if someone needs to talk to someone in another  
17 room, they are in and out quickly. So it's a real  
18 circulating plan that solves all their problematic  
19 issues. Some variances were triggered in the  
20 design of this and I'm gonna go through each one.  
21 Actually, there are five variances. I'm gonna talk  
22 about three and then two or parking related and Mr.  
23 Eschbacher will answer those. The first is a front  
24 yard setback. Now, a corner lot, as you know, has  
25 two front yards. The primary one off the narrower  
26 street front Colonial Road the requirement there  
27 30.3 feet and we are proposing 45.6. So this is  
28 the -- Colonial Road is fine, but it's the Port  
29 Washington Boulevard side which is a second front  
30 yard which has to be 25 feet and we are proposing  
31 19 and we need a few more feet to make these rooms  
32 work. Now, Port Washington Boulevard is a  
33 nonresidential street. It's a four lane, fast  
34 moving area and we don't think -- if it was a  
35 residential street and you're in the front yard, it  
36 sticks out and you notice the buildings don't line  
37 up. But on a fast moving, four lane street like  
38 Port Boulevard, we don't think there will be an  
39 impact in any negative way. Now to the immediate  
40 north, the next building up is a dentist office.  
41 That's 431 Port Washington Boulevard and that has a  
42 front yard setback on 19.1 feet. If you continue  
43 one more property north of that is a Minuteman  
44 Press with a 10 foot front yard setback. To the  
45 immediate south across colonial there is another  
46 house converted to a doctor's office. That's 1  
47 Lowell Drive and that has about a 19 foot setback  
48 as well. So we are really consistent with what's

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1  
2  
3 going on on Port Boulevard in terms of front yard  
4 setback. That's one issue. The second is side  
5 yard setback which is the eastern property line and  
6 for a residential building, the setback is seven  
7 feet. For nonresidential uses it's 20 feet. We  
8 are designing this like a residence so we chose  
9 seven feet as an absolute minimum. But I would  
10 like to point out that the building steps kind of  
11 like the line of that property line and as you go  
12 forward towards Colonial, the setbacks get greater  
13 and greater. Now, the adjoining house is right  
14 about in this area. So where the house is, the  
15 setback is 15.75 feet to that one point. The  
16 closest point right there. Then it goes down to 12  
17 feet and then nine. So it's at seven feet way in  
18 the back of the property not near a house. We  
19 tried to design the building to minimize impact to  
20 that neighbor. Now, along the east property line  
21 there is an existing thick growth of evergreens. I  
22 think we have photos of it. From the residence,  
23 they never saw this. When preparing over the  
24 weekend when preparing this, we felt we needed some  
25 photos to explain and there just wasn't time to  
26 share with everyone so I hope they don't think we  
27 are trying to pull something. We are trying  
28 explain what's going on.

29  
30 CHAIRMAN MAMMINA: That's not unusual.

31  
32 MR. ALBERTO: Okay. Here are that thick  
33 line of evergreens. We are gonna propose another  
34 line in front of that on our side so there will be  
35 a thick screening of landscaping. You won't see  
36 the building. So it's one-story, it's somewhat  
37 residential looking, there's a thick screen between  
38 them and incidentally, this is a hallway that is  
39 close to that neighbor. There is no impact from a  
40 hallway in terms of noise and negative items like  
41 that. So we think the side yard, we've handled it  
42 in a respectable way would not have too much  
43 impact. If this was a house that could be built  
44 here, you could build a two-story wall seven feet  
45 from the property line so we take that into  
46 consideration. The third item is the front yard  
47 paving and you're only allowed 45 percent of  
48 impervious material in your front yard. We're at

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1  
2  
3 71 percent, but let me explain. We are a corner  
4 lot so we have two front yards. We have nowhere  
5 else to put a much needed parking area for  
6 accessible parking and for residents. Here, the  
7 existing driveway takes up a good chunk of that  
8 impervious, but the new parking takes the entire  
9 front yard off Colonial Road. That's what's  
10 driving this high number. There's really no  
11 option. We do have the screening to the east so it  
12 blocks a lot of that impervious material. We do  
13 still have grass in the front so on Port Boulevard  
14 it does have a nice presence with some greenery in  
15 front, but that's -- this is a tough one where we  
16 had very little option. So those are the three  
17 area variance issues. We have a complex program,  
18 an unusual lot and these are the kind of things  
19 that bring people to the board when you have these  
20 kind of situations. I'm gonna ask Robert  
21 Eschbacher, our traffic engineer to talk about the  
22 parking and then Mr. Bollerman will talk a little  
23 bit more about the building needs and then we will  
24 conclude.

25  
26 MR. ESCHBACHER: Good afternoon again.  
27 Robert Eschbacher, VHB Engineering, 100 Motor  
28 Parkway Hauppauge, New York. I was retained by the  
29 Port Washington Fire Department to assist them with  
30 this hearing and to address a number of issues that  
31 relate to it. First of all, as you've heard from  
32 the previous speakers about the number of personnel  
33 that work here and the needs for interior  
34 renovations, we want to assure the board that there  
35 will not be any change to the existing activity  
36 levels that take place. They are not adding any  
37 new staff. They're just merely giving them room in  
38 which to operate more efficiently. So the amount  
39 of traffic that comes in and out of there on a  
40 day-to-day, week-to-week basis is going to remain  
41 the same. What will change is how that traffic  
42 gets to and from the property. As shown on the  
43 site plan, it is proposed that four additional  
44 parking spaces on this outside of the building  
45 directly off Colonial. There are several purposes  
46 of this. First of all, there is the need to  
47 provide handicap accessible parking and one of the  
48 four spaces will provide that in accordance with

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1  
2  
3 the standards. The other three spaces are intended  
4 for one of the staff members to park there and to  
5 provide for visitor parking. Right now if a  
6 visitor were to come here, they have two choices --  
7 three choices. They could park somewhere on  
8 Colonial, they can park on Port Washington  
9 Boulevard, parking is permitted directly in front  
10 of the building, although most people would be very  
11 hesitant to park there. In fact, when I've seen  
12 some of the fire personnel park, they actually park  
13 a little bit up on the sidewalk in order to give  
14 them some clearance with the fast moving traffic on  
15 Port Washington Boulevard and if a visitor were to  
16 come along, that would not be a safe place for them  
17 to park. The third place is in the rear of the  
18 building. Now, the challenge you have with that,  
19 is the challenge that I had when I first went  
20 there. The driveway that leads from Port  
21 Washington Boulevard to that rear parking area is  
22 narrow. It's 15 feet wide. Not enough width for  
23 two way traffic and if you were to go in there, you  
24 don't know what you're going to find in the back.  
25 Are you going to find the parking lot is jammed and  
26 then you have to back out onto Port Washington  
27 Boulevard? It's not a very desirable way to  
28 provide parking for the visitors. So as part of  
29 the overall program as Mr. Alberto explained, the  
30 additional parking lot on the south side of the  
31 building would serve to provide handicap accessible  
32 parking and visitor parking. So there would be  
33 some little rearrangement of traffic as it exists  
34 now, the same amount of traffic but coming in off  
35 Colonial. Now, as you might expect, this is gonna  
36 be a very low generator of parking on that part of  
37 the site. Total parking demand stays the same.  
38 However, people that are coming, visitors that are  
39 coming there, are going to be coming from generally  
40 one of two places. If they are coming off Port  
41 Washington Boulevard, they will make the turn onto  
42 the Colonial and then turn into the lot and will  
43 leave by going back out to Porting Washington  
44 Boulevard. The group of people, the visitors that  
45 are coming from the easterly end on Colonial, are  
46 people that are living in that area and then would  
47 be returning to that area most likely, unless they  
48 are going somewhere else. So it's not going to

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1  
2  
3 have really any measurable change on the traffic  
4 activity on Colonial. The people that are coming  
5 there now would come down Colonial in many cases  
6 and then try to go into the rear lot or park on  
7 Port Washington Boulevard. And in terms of one  
8 staff member, the officer manager that would park  
9 here, is basically coming in in the morning and  
10 then leaving at the end of the day. That's not  
11 generating any significant amount of traffic. And  
12 the visitors, it's not a constant flow in and out.  
13 It's occasional visitors on a daily basis. This  
14 will provide a much safer place for them to come  
15 and do their business there. Now, one of the  
16 things that I observed when I was out there and  
17 I've heard that some of residents have expressed a  
18 concern also is a visibility problem when you leave  
19 the parking lot here. I think this photograph  
20 shows it very well and the problem is that the  
21 existing shrubbery goes right out to the curb.  
22 There is no sidewalk. It comes all the way out.  
23 In fact, it overhangs the curb into the roadway  
24 itself. We've examined the plan and what I  
25 recommend and the fire department has indicated  
26 they would agree to, is that we would trim back  
27 this shrubbery that's on the Fire Department  
28 property approximately 20 feet so that will then  
29 provide a clear line of site to cars that are  
30 leaving there to turn onto Colonial. I also would  
31 like to address the parking and loading zone  
32 variances. Based on the notice of disapproval,  
33 there is a variance requested for the parking stall  
34 sizes in the rear lot. They are a little more  
35 narrow than required and a little shorter than  
36 required. Once again, these are all in the rear of  
37 the lot and are used by people that are working in  
38 the building. And I've said many times to this  
39 board, when we have situations like this with  
40 smaller than standard parking stall sizes, it  
41 matters as to who is using them. If this were a  
42 retail shopping center, I would not even think  
43 about having small sizes like this. But in a case  
44 where it's the same people using it on a daily  
45 basis and are familiar with it, it works. They  
46 know what they are doing and I went back there and  
47 observed and there are all -- the ones that are  
48 parking there are parking in the stalls and are not



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1  
2  
3 interfering with each other. It provides a very  
4 efficient layout of the parking. If we were to  
5 comply with the parking, we would lose the number  
6 of parking spaces to do that. If we had to comply  
7 with the zoning. One other variance involves the  
8 loading zone and this is more than -- it over looks  
9 -- the loading zone scales off as 10 feet by 24  
10 feet required by code. This really draws slightly  
11 that would -- as a matter of fact, even though the  
12 loading zone is located back there in order to  
13 comply with the code, as a practical matter, the  
14 loading takes place in front of the garage in front  
15 of the building. They are able to unload there and  
16 take whatever material directly into the roll up  
17 doors. So to summarize, there won't be any change  
18 in the total amount of parking, the parking demand  
19 and there won't be any change in the traffic  
20 activity associated with this on a regular basis.  
21 We will be providing not only the accessible  
22 parking space, but actually increasing the total  
23 amount of parking that exists on the site and very  
24 importantly, providing it in a safe location for  
25 the visitors when they came here. So based upon  
26 the results of my review of the plan and the  
27 existing conditions, it is my professional opinion  
28 that approval of this plan will not result in any  
29 adverse impacts on traffic or parking, in fact,  
30 will improve it. Based on that, I recommend that  
31 the application be approve by the board and I'd be  
32 very happy to answer any questions you may have.  
33

34 CHAIRMAN MAMMINA: One question that I  
35 have that I think would be directed to you, Mr.  
36 Eschbacher, is, as I look at Colonial and I look at  
37 Port Boulevard, Port Boulevard has a sidewalk so  
38 it's limited what could be planted in there to  
39 soften that and I wouldn't think that the community  
40 is as concerned, you know, about Port Boulevard.  
41 The right of way of the town does fall to the south  
42 of the property line along Colonial. So that -- so  
43 that would mean that that area in there could be a  
44 grassed area or a landscape area with some low --  
45 low growing plants and things in there to soften  
46 that asphalt coming straight to -- straight to the  
47 curb, you know. And then maybe something similar  
48 in that area that you're proposing to cut back 20

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1  
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3 feet, you know, in there in order to maintain sight  
4 and still keep everything, you know, green in that  
5 area. So my understanding is that the right of way  
6 does belong to the town, but you can plant in it,  
7 you know, as long as you accept responsibility for  
8 it should the snowplow knock something over or  
9 whatever, because I know the area. Where I live in  
10 Carle Place, we have no sidewalks and everybody  
11 planted, you know, right out to the street and you  
12 really wasn't a concern. So that is something that  
13 could help to soften that paving coming all the way  
14 out.

15  
16 MR. ESCHBACHER: Certainly.

17  
18 MEMBER GOODSELL: Mr. Eschbacher, the  
19 four parking spaces that are to the south of the  
20 building on Colonial, are those standard size  
21 parking spaces?

22  
23 MR. ESCHBACHER: Yes. They are.

24  
25 MEMBER GOODSELL: Okay. So it's only  
26 the parking behind the existing building, the  
27 ambulance, those are the smaller ones?

28  
29 MR. ESCHBACHER: That's correct. Yes.

30  
31 MEMBER GOODSELL: Thank you.

32  
33 MR. ESCHBACHER: The new ones fully  
34 comply.

35  
36 CHAIRMAN MAMMINA: Any other questions  
37 for Mr. Eschbacher? Thank you. I do have -- may I  
38 just ask, Mr. Alberto, one other question and I  
39 know that you have put this on the record, but I  
40 want to make sure that I understand that. You  
41 know, essentially the square footage that's being  
42 added on, you know, is, you know, is a conference  
43 room, it is a small office, you know, is a Board of  
44 directors area and then the chief's office in there  
45 and then there is circulation corridor that  
46 connects everything from the existing building to  
47 this new small addition and then there is an IT  
48 room, you know, which is the computer room, you

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1  
2  
3 know, that, you know, that you had talked about.  
4  
5 MR. ALBERTO: That is correct.  
6  
7 CHAIRMAN MAMMINA: And then underneath  
8 the middle of the building there is storage space,  
9 there is a small multipurpose room that's down  
10 there and then the only other thing that's in there  
11 would be a bathroom, two fixture bathroom, you  
12 know, and a maintenance office.  
13  
14 MR. ALBERTO: Correct.  
15  
16 CHAIRMAN MAMMINA: And some storage  
17 space.  
18  
19 MR. ALBERTO: Yes. That is correct.  
20  
21 CHAIRMAN MAMMINA: And I guess a large  
22 percentage of that basement does already exist.  
23 The only really new part of the basement is to the  
24 south?  
25  
26 MR. ALBERTO: That is correct.  
27  
28 CHAIRMAN MAMMINA: Okay. I just wanted  
29 to make sure that I was understanding correctly the  
30 scope of the additions and how those additions and  
31 access to the building related to the handicap  
32 accessibility into the building, you know, and then  
33 for fireman, you know, on a call. Okay. Thank  
34 you.  
35  
36 MEMBER FRANCIS: Mr. Alberto, before you  
37 leave. I don't see a diagram of dry wells in the  
38 new parking lot. Is that correct, there are no --  
39  
40 MS. ALGIOS: Well, it's not shown now at  
41 this stage of the project, but the building  
42 department would require sufficient drainage.  
43  
44 MEMBER FRANCIS: Thank you. I just  
45 wanted to point that out. Okay.  
46  
47 MEMBER DONATELLI: Sorry. Before you  
48 said and I also have a question, you may have gone

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2  
3 over it, but the -- the setback to the property  
4 line in the rear, what is it now at it's closest  
5 point. What does it propose to be if this  
6 application is acted on?  
7

8 MR. ALBERTO: I will have to scale it.  
9 I have a survey, but it's not here.  
10

11 CHAIRMAN MAMMINA: It looks like your  
12 site plan might have dimensions on that. It's just  
13 a little blurry.  
14

15 MEMBER DONATELLI: So it would be from  
16 the existing building to the nearest lot line --  
17

18 CHAIRMAN MAMMINA: Which I think I see  
19 there.  
20

21 MEMBER DONATELLI: On Colonial and then  
22 what it's proposed to be. I would like to know the  
23 difference?  
24

25 CHAIRMAN MAMMINA: That would be the  
26 southeast corner of the existing building.  
27

28 MR. ALBERTO: I believe 15.6.  
29

30 CHAIRMAN MAMMINA: Okay. So it's about  
31 15 and a half feet right now.  
32

33 MEMBER DONATELLI: And it's proposed to  
34 be seven?  
35

36 MR. ALBERTO: Seven at approximately its  
37 closest point and then 10 and it just gets more as  
38 you get away. So it's a tangent point.  
39

40 MEMBER DONATELLI: Do I also see that  
41 you're anticipate moving the HVAC units?  
42

43 MR. ALBERTO: Yes. There are some  
44 pieces of equipment in the rear that have to be  
45 moved.  
46

47 MEMBER DONATELLI: Please continue.  
48

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2  
3 MR. ALBERTO: Okay. I'm going to  
4 introduce Chris Bollerman, Board of Directors.

5  
6 CHAIRMAN MAMMINA: Please give your name  
7 and address.

8  
9 MR. BOLLERMAN: Good afternoon,  
10 Mr. Chairman and the Members of the Board of Zoning  
11 Appeals. My name is Chris Bollerman. My  
12 professional address is 423 Porting Washington  
13 Boulevard. However, my home address for everyone's  
14 knowledge is number 4 Cliff Way in Port Washington.  
15 I'm a 36 year member of the Port Washington Fire  
16 Department. During my tenure in the Department I  
17 have served as a captain and chief. For the past  
18 12 years I have served on the Department's Board of  
19 Directors. I stand before you believing that I am  
20 truly vested and I have certainly invested in this  
21 great community and I am a lifelong  
22 multigenerational resident of Port Washington with  
23 my children being the seventh generation being born  
24 and raised in this great town. Please let the  
25 record show that for the past 20 years I have  
26 resided in the Salem section of the community which  
27 is where this project is located. I've been asked  
28 to speak to you briefly about the fire department  
29 and how and why we are here today. As you know, we  
30 are not a fire district. However, we are a Fire  
31 Department. A non for profit private corporation  
32 that provides contractual public safety services to  
33 the area commonly referred to as Port Washington  
34 that include the unincorporated areas of North  
35 Hempstead, the villages of Flower Hill, Bexxar  
36 Estates, Marion, Sands Point, Port Washington North  
37 and Plandome Manor. The Port Washington Fire  
38 Department is comprised of five separate entities  
39 where the Fire Department or headquarters unit  
40 being the fifth. I'd like to show you all a map of  
41 locations of the Port Washington fire stations. We  
42 have stations located at 25 Carlton Avenue, 14  
43 South Washington Street, 12 Haven Avenue. Those  
44 are three main fire stations. Your traditional  
45 fire stations, fire trucks, members congregating in  
46 the afternoon or evening and comradery training.  
47 Those are those three. We have the fire medic  
48 company located at 65 Harbor Road. The main

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1  
2  
3 headquarters of the ambulance services of Port  
4 Washington. We have the Atlantic Hook and Ladder  
5 Company on Avenue A. Strictly a garage for  
6 responding firefighters and fire apparatus. We  
7 have the Protection Engine Company Medics located  
8 at 25 Channel Drive. Again, a garage with  
9 apparatus and members drive their cars and respond  
10 to. Then we have the Port Washington Fire  
11 Department located at 423 Porting Washington  
12 Boulevard. Not a traditional firehouse, but a  
13 firehouse in every sense of the word. The Port  
14 Washington Fire Department is the busiest volunteer  
15 fire department in Nassau County and we are one of  
16 the busiest in all of New York State. We share the  
17 honor of transporting the most Covid patients  
18 during the Covid period that a Fire Department  
19 transported next to the New York City Fire  
20 Department. In 2021, the department responded to  
21 2,235 emergency medical calls with over 1,000 of  
22 them being responded to from this very station  
23 we're here today. 1,397 fire calls for a total  
24 response of 3,632 emergency responses and though we  
25 are the busiest and one of the largest in size  
26 covering 11 square miles, protecting 30,000 people,  
27 the Port Washington fire department is the 15th  
28 rank budget of all fire departments or districts in  
29 Nassau County. Our department is one of the most  
30 diverse organizations in the community with  
31 volunteer members coming from different races,  
32 sexes, ages, educational, social and economic  
33 backgrounds. The overwhelming majority of our  
34 members are deeply vested in our great community as  
35 well. They are your very own friends and neighbors  
36 and the reside right here in Port Washington.

37 And now some history of the Port  
38 Washington Fire Department Headquarters building.  
39 The property was purchased on January 26, 1960.  
40 The committee that designed the building was  
41 charged with designing a firehouse with the primary  
42 responsibility to house an ambulance, the proper  
43 space for three chiefs, a fire marshall and  
44 department secretary and treasurer and a  
45 communications center. The building was  
46 constructed by a local contractor and opened on  
47 Sunday April 30, 1961. When the building opened,  
48 the department owned one chief's car and one

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1  
2  
3 ambulance, and there were no employees. Upon  
4 opening, the ambulance was immediately housed in  
5 this location. When we compare 1960 to 2022, we  
6 find that many things have changed. But some  
7 things that have not changed in the 60 years since  
8 the building opened in 1961 are the following: The  
9 building is still a firehouse. The ambulance  
10 remains housed at the location. The facility  
11 remains the base of operations of the department  
12 chiefs, fire marshall and there still remains an  
13 emergency operation center located within the  
14 building. However, what has changed in the 60  
15 years since we opened is that the department has  
16 added five full-time employees, one part-time  
17 employee and four members of the administrative  
18 board of directors who all operate out of this  
19 facility. I would like to show another poster  
20 board. I'd just like everyone to see and it's in  
21 the packets, after my meeting with the community,  
22 we have the administrative office that has our  
23 office manager, her assistant and then four  
24 administrative directors sitting around a counter.  
25 I have a table here. We have a table here. Sorry  
26 I keep saying I. We have a table. If one of you  
27 were to come to meet with me about an important  
28 thing, you would park in the new proposed parking  
29 lot and we would have to sit there with no privacy  
30 or we have to go downstairs to a common place with  
31 still no privacy. The chief's office. Again, the  
32 busiest fire department in Nassau County. We've  
33 got three chiefs operating out of here and there's  
34 the emergency communications center. Michael and I  
35 personally handled the latest storm where we  
36 totalled two fire trucks, we were inundated. We  
37 made the most rescues from as far as Seaford.  
38 Michael is at the desk here, I'm sitting at a table  
39 -- at a desk trying to communicate with other  
40 people and we have other fire departments coming  
41 in, we have mayors calling on the phone, we need  
42 someone in the communications center, but we truly  
43 don't have a functioning anymore and that's why we  
44 need the conference room. This is our fire  
45 prevention office. The fire prevention officer  
46 sits at the desk, but it has to be a storage room  
47 also. We give out little hats, badges, everything  
48 to the community, water bottles trying to get new

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1  
2  
3 members to join our volunteer organization and to  
4 educate our people. It has to double as both  
5 things. Now, in 1960, typically, all  
6 administrative matters transpired at the building  
7 one night per week and possibly an hour during the  
8 day. It really was, the chief came in and picked  
9 up the mail. And then on Thursday night, the  
10 chiefs had a meeting and then on one Monday night a  
11 month, the board -- the board used to be 20 guys  
12 and they would have a meeting. Today, being the  
13 busiest fire department in the county, we find  
14 ourselves at nearly 24/7 operation. With that  
15 said, all operations and activities outside of the  
16 normal business hours are primarily concentrated at  
17 the garage area facing Port Washington Boulevard.  
18 Our ambulance response all takes place out of the  
19 garage and the proposed alterations in the  
20 basement. We have no plans, absolutely no plans of  
21 opening our business office outside of the Monday  
22 through Friday normal business hours. We do now  
23 and will continue to routinely hold business  
24 meetings in the evening hours. Typically, we meet  
25 still on Thursday evenings beginning at five  
26 o'clock, but we're done before most people watch  
27 the nine o'clock news on MSNBC. So that's good for  
28 that. In 1960, there was basically zero  
29 recordkeeping. As well as there was no computers  
30 or copy machines. Today record retention is  
31 paramount. It includes our patient care reports,  
32 member of training, we have to track members  
33 cancer, we have an unbelievable amount of cancer in  
34 our membership and state mandates that we track  
35 that. We have firefighter medicals, memberships  
36 life insurance and most importantly, more than  
37 anything is our financial reporting and there's  
38 significant need to have an individual IT room to  
39 house all of our business technology.

40 Now, you may be asking yourself what  
41 does the fire department hope to gain from this  
42 project. To begin, the Fire Department has no  
43 expectations of the operation growing in size. It  
44 is strictly our intention to properly accommodate  
45 the overall administration of the Fire Department.  
46 When the building was built, emergencies were not  
47 handled or coordinated nowhere near as many as  
48 there are a today. With the renovated facility we



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1  
2  
3 are proposing, there will be a modern emergency  
4 operations center, where command and control  
5 activities can be conducted in a professional  
6 manner. One of the many reasons we started out in  
7 this project was to make the building ADA  
8 accessible. Currently, there is absolutely, 100  
9 percent no accessibility to the building for a  
10 disabled person. This includes parking, building  
11 access, restrooms or god forbid we can get you in,  
12 you can't move around. We spent a great deal of  
13 time designing a building that created  
14 accessibility to all persons including the  
15 disabled, seniors members and members of the  
16 public. The design in the visitors parking area  
17 and visitors entrance allows for a flow from the  
18 minute they exit their vehicle to they're entering  
19 and then moving through the building, as well as  
20 bathroom accessibility. Please note that you do  
21 not see a typical handicap ramp or an elevator in  
22 this design. When we designed the work spaces, we  
23 used a bullpen type work atmosphere. You'll notice  
24 that though there are numerous offices, they all  
25 access -- back access the central administrative  
26 office. We have found over the past 25 years, that  
27 by not segregating the operations from the  
28 administration, the overall administration of the  
29 department is much more effective. This work model  
30 coupled with maintaining the aesthetics of the  
31 neighborhood is why we did not just simply add a  
32 second floor to the building. When designing, we  
33 also took into account our employees that respond  
34 from the facility to thousands of emergency medical  
35 calls each year. Within the basement we created a  
36 bathroom, a shower and a locker room for the  
37 employees. We believe that this is imperative, as  
38 they are routinely in direct contact with bodily  
39 fluids that require decontamination afterwards. In  
40 addition to making our operation more efficient,  
41 this renovation will also help us with our  
42 infrastructure such as HVAC, our electrical  
43 service, our emergency generator are all extremely  
44 outdated and in need of replacement.

45         Lastly, being located on the busiest  
46 roadway in town, we needed to create a small and  
47 discreet parking area that blended in with the  
48 surroundings and remained capable of accepting our

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1  
2  
3 visitors. Everyone knows that you take your life  
4 into your hands when you park or try to exit your  
5 vehicle on Porting Washington Boulevard.

6 Now, before I close, I'd like all the  
7 board members along with the members of the  
8 community that are present to know that prior to  
9 designing these alterations, a great deal of time  
10 and energy was expended by the Board of directors  
11 and members of the building committee. We  
12 thoroughly and I say thoroughly investigated if  
13 staying at 423 Port Washington Boulevard was even  
14 practical. We did this by designing our wants and  
15 needs, and seeing if those wants and needs could  
16 fit within the footprint. We analyzed the finances  
17 of the department. We analyzed the funding  
18 available to us. The financial implications to the  
19 community. We went out in the community, we  
20 reviewed every commercial property that was for  
21 sale. When reviewing the property, we analyzed the  
22 location of it, we analyzed response from the  
23 location, we analyzed the cost to buy the property  
24 and then we analyzed the cost to renovate it to  
25 become a firehouse. And if any of you are up to  
26 date on Port Washington real estate prices, you  
27 will know that any property with accessibility to  
28 the community with an emergency operation like 423  
29 Porting Washington Boulevard has, you will know  
30 that the Board of Director would not be carrying  
31 out their fiduciary responsibility to the community  
32 if we purchased it.

33 In closing, I thank all of the  
34 distinguished members of the board for their time  
35 and I make myself available to answer any and all  
36 questions that you may have of the Port Washington  
37 Fire Department. Thank you.

38  
39 CHAIRMAN MAMMINA: Thank you, sir.

40  
41 MR. ALBERTO: I'm just gonna conclude  
42 and I just want to quickly touch the five areas of  
43 variance that have to be addressed, and that's  
44 whether there is undesirable change to the  
45 character of the neighborhood and I think we've  
46 answered that by the design of the building and by  
47 the attempts that we made to make it fit in. So we  
48 believe there is not an undesirable change.

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1  
2  
3 Whether the benefit can be achieved in some other  
4 method. As Chris just mentioned, we did look at  
5 second floor, we looked at several design options,  
6 anything we do on the site is gonna trigger  
7 variances so we think this is the most practical  
8 and beneficial to everyone. Are the variances  
9 substantial? Well, the front yard we don't believe  
10 so. The side yard, when one looks at a residence  
11 being there, we think we are consistent with that  
12 approach. There is no environmental impacts. We  
13 will do drainage -- changes to the property as the  
14 building department will require. And finally, was  
15 this self created? Well, they are basically there  
16 with this lot, this building, this location. They  
17 didn't create that, but that is not a major  
18 component of evaluating variances.

19 So that's what I have and we are all  
20 here for questions.

21  
22 CHAIRMAN MAMMINA: Let's hear from the  
23 public.

24  
25 SECRETARY WAGNER: Before we do that, I  
26 just want to remind everybody that there is a three  
27 minute time limit and we will call from our -- the  
28 list first and then if there is anybody that would  
29 like to speak. First person on the list is Sandra  
30 Myer.

31  
32 CHAIRMAN MAMMINA: Good afternoon. Just  
33 give your name and address for the record.

34  
35 MS. MYER: Good afternoon. I'm Sandra  
36 Myer, 1 Colonial Road, Port Washington, New York.  
37 I've been a resident for almost 26 years. I live  
38 adjacent to their lot in that empty space back  
39 there and their parking lot is behind my backyard.  
40 They have 10 spaces of parking. Just bear with me  
41 for one second.

42  
43 MEMBER DONATELLI: So I'm sorry, just so  
44 I understand, you are --

45  
46 MS. MYER: Sandra Myer.

47  
48 MEMBER DONATELLI: No. No. You're

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2  
3 behind that existing parking lot or are you behind  
4 that row of trees?

5  
6 MS. MYER: This row of trees. My  
7 husband committed suicide five years ago. That's  
8 adjacent to them. We have four kids.

9  
10 MEMBER DONATELLI: Sorry. We have a  
11 reporter who is taking things down so if you would  
12 just go back to the microphone. I just needed to  
13 understand where you were in relation to the  
14 project.

15  
16 MS. MYER: Okay. I live next door.

17  
18 MEMBER DONATELLI: Got it.

19  
20 MS. MYER: To the fire department.  
21 Where you see those arborvitaes, we planted those  
22 25 years ago. They're -- the back lot is adjacent  
23 to my backyard. 25 years ago the chief did put up  
24 a fence, because he saw my toddler rushing into  
25 their back driveway and he felt it was a hazard.  
26 So he put up a nice wooden fence for us. And I'm  
27 very grateful to the fire department and all that  
28 they do for our community. I really am. They did  
29 put up a new fence for us about two years ago and  
30 because the wooden fence was beginning to fall down  
31 after 25 years. I'm a mother of four. I have one  
32 grandchild and another one due any minute now. I'm  
33 concerned. I'm an adjunct professor at NYU, I also  
34 teach at the Port Washington Public Library, I'm a  
35 teacher assistant at elementary school taking care  
36 of sick children and assisting them. Prior to that  
37 I worked at Weber after my husband passed away and  
38 I worked in the mild program assisting sixth,  
39 seventh and eighth graders. I am concerned about  
40 the traffic that's going to be taking place. We  
41 have autistic kids on Colonial Road. We have  
42 Schreiber kids walking home, Weber children walking  
43 home and it's going to be dangerous for them. As a  
44 teacher assistant and adjunct professor, also been  
45 a producer for major television shows. My husband  
46 was the director of undercover boss and a  
47 professional camera man so he has a lot of video  
48 footage of what actually went on back there for the

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1  
2  
3 past 25 years. Okay. So let me just start over.  
4 I'm a little bit tired from working all morning.  
5 Okay. So I worked in the loud program and my house  
6 is on Colonial Road next to the fire department. I  
7 received notice about the construction just two  
8 weeks ago. They had never told me about the  
9 meeting that they held a year ago. If they did, I  
10 would have jumped at the opportunity to attend that  
11 meeting and not go along with these proposed plans.  
12 This week, Ms. Amy Rosenbaum, president of New  
13 Salem Civic Association and I, along with longtime  
14 reside Paul Christenson attended a meeting to  
15 review the plans. It's right against my property  
16 line. Right up against it. It's gonna be -- you  
17 guys, you know, if you know a commercial property.  
18 It's an incorporation against your property, you  
19 know what that's gonna be like, you know. We have  
20 two pillars on each side that says New Salem, New  
21 Salem which is a sign that it's a residential  
22 community. It's been there ever since I moved into  
23 the neighborhood.

24  
25 MS. ALGIOS: Ma'am, I sorry. I just  
26 want to let you know your three minutes is -- so  
27 why don't you just finish quickly what your  
28 objection is.

29  
30 MS. MYER: Okay. Yes. Okay. So we did  
31 graduation videos for Schreiber High School, Port  
32 Washington, let there be bagels, what you see that  
33 was last project that my husband and I worked on.  
34 We are very loving people. We care about our  
35 community, I care about my autistic kids and we  
36 don't want to see this happen. I'm begging you,  
37 please, I need help. I really need your help  
38 because I'm gonna have another grandchild any day  
39 now. I'm so happy. We're gonna have kids running  
40 around the backyard on the side property and I'm  
41 concerned about their safety, the Schreiber kids,  
42 the Weber kids walking home and they're gonna look  
43 to go right into my almost driveway, okay, making  
44 another driveway of their own and it's just not  
45 fair. It really isn't fair. I've been here and  
46 I've done so much for our community. I've done so  
47 much.

48

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2  
3 MS. ALGIOS: Thank you so much for your  
4 comments. We appreciate that. Thank you.

5  
6 CHAIRMAN MAMMINA: Thank you so much.

7  
8 MS. MYER: Thank you so much.

9  
10 SECRETARY WAGNER: Next person on the  
11 list is Christenson. You don't have to speak if  
12 you don't want.

13  
14 CHAIRMAN MAMMINA: As I said, you can  
15 just say I agree or you can make additional points,  
16 whatever you would like.

17  
18 MR. CHRISTENSON: Paul Christenson, 3  
19 Deerfield Road, Port Washington. My only real  
20 objection to it is just the entrance and exit on  
21 Colonial really. I just have known the people on  
22 both sides, Sandy over here and Doctor Sesock who  
23 lives across the street and it's already a  
24 nightmare backing out of either one of their  
25 driveways because of all traffic coming in off the  
26 boulevard coming around the bend from Lowell Road,  
27 that kind of thing. I also kind of question the  
28 need for four spaces. I think maybe if there's any  
29 way to come in off the boulevard, I know they need  
30 a special permit for state highway and all that.

31  
32 CHAIRMAN MAMMINA: Just my guess is you  
33 won't get that permit because I'm an architect and  
34 I know when you're in that -- you're on a road like  
35 Port, I'm gonna assume it's a state road or county  
36 road and it's very, very tough. I will tell you  
37 impossible. Never happens.

38  
39 MR. CHRISTENSON: That was really my  
40 only major concern.

41  
42 CHAIRMAN MAMMINA: I agree with your  
43 point. I can't argue with you point.

44  
45 MR. CHRISTENSON: I'll save the three  
46 minutes for everybody else.

47  
48 MS. ALGIOS: Thank you very much.

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2  
3  
4 SECRETARY WAGNER: Next person is  
5 Jeanine Cummings.  
6

7 MS. CUMMINGS: Hi. My name is Jeanine  
8 Cummings. I live at 7 Colonial Road, Port  
9 Washington. We are four doors down from the Fire  
10 Department and I walk by the firehouse everyday  
11 with my son to walk him to school. And so we've  
12 lived the home for 10 years and we've seen changes  
13 already in the neighborhood, the traffic, big  
14 renovations of homes and more cars parked on the  
15 streets so the denseness that you we were talking  
16 about earlier with one of the other applications,  
17 it feels like it's getting a bit denser and so  
18 something like a commercial -- feeling like more of  
19 a commercial property now at the entrance to the  
20 Salem neighborhood. What's welcoming you to the  
21 Salem neighborhood feels a little bit  
22 disheartening. The one thing in particular though  
23 that feels the most uncomfortable for me is the  
24 parking lot. I think you've done an amazing job  
25 actually extending the home to make it feel like a  
26 neighborhood and feel like a residences, and I  
27 understand the need for the physical space for the  
28 work that you, but that's not really my concern as  
29 much as the parking lot is because it does, I  
30 think, make it feel more like a commercial building  
31 and I know it's allowed to be and there are some  
32 right up the road, but that's not what we bought  
33 when we bought there. That's not what want and we  
34 don't want to lose more of the green space that  
35 little bit that we already have. And so I just  
36 wonder, you know, I'm still just learning now today  
37 about these five factors. But when I go through  
38 and I think, to me, it would change the character  
39 of the neighborhood having a parking lot. Again,  
40 the building feels comfortable and fits in, but the  
41 parking lot does feel like it would change the  
42 character. I also feel like it could change the  
43 physical and environmental space and feel of that,  
44 because I -- the pulling in and out on Colonial  
45 Road is a challenge because cars are coming off  
46 very quickly turning onto that road already.  
47 There's another side road right there and there's a  
48 fire hydrant and two driveways already so it will

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1  
2  
3 be a challenge and I just wonder if some of those  
4 alternative options which is factor three I think  
5 in the list -- forgive me, I'm still learning all  
6 of this. But I just wonder, isn't there another  
7 alternative to parking. I did the walk myself this  
8 morning. Again, we walk everyday. It's 225 steps  
9 from the front of the firehouse to the TD Bank  
10 parking lot, which I've checked all this week and  
11 it almost always has empty spots there in the back.  
12 It's a one minute walk. I walk 10 minutes everyday  
13 back and forth to bring to my son to school and it  
14 may be an inconvenience and I get it and I  
15 understand the people that need to be on call maybe  
16 need to have priority. But for visitors, I mean,  
17 they park in municipal parking to go shopping on  
18 Port. They walk more than a minute to get to that  
19 shop. Can't they walk one minute from those and we  
20 could potentially assign a couple of parking spots  
21 to the fire department in that parking lot. I just  
22 feel like that could be something that could be  
23 explored so that we are preserving the green space  
24 and the trees over there that has to be cut down.  
25

26 CHAIRMAN MAMMINA: Whoever has the  
27 ringer on on the phone, could they please turn it  
28 off. Thank you.  
29

30 MS. ALGIOS: That's the timer.  
31

32 MS. CUMMINGS: That's my timer. I've  
33 run out of time. And you can get a bagel on the  
34 way to work. I mean, it's the best bagel shop in  
35 tow is right there. If you walk by, you get a  
36 bagel and you are supporting a local business and  
37 we solve the parking problem. Now, I know the ADA  
38 compliant issue is still yet to be explored, but  
39 can we just get a little bit more creative. We can  
40 eliminate the parking spaces that are needed in the  
41 front and just maybe come up with another solution  
42 for the ADA. And I just wonder how often is it  
43 needed. I understand that's not an excuse, you  
44 need to have it if there's one person then it needs  
45 to be ADA compliant. But is the need great, does  
46 it -- does the benefit outweigh what I think the  
47 community would use.  
48



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1  
2  
3 CHAIRMAN MAMMINA: I think that's a  
4 question that -- that we've just been discussing  
5 about asking, you know, is how many spaces it, you  
6 know, the frequency of use. I understand the  
7 proximity is difficult and it's a difficult  
8 section.  
9

10 MS. CUMMINGS: Yeah. And it's a  
11 challenge to envision it without being there. But  
12 when you're walking it everyday, you do see this --  
13 of multiple factors coming into play all at one  
14 time potentially and now another one with somebody  
15 backing out. Thank you.  
16

17 CHAIRMAN MAMMINA: Okay. Thank you very  
18 much. Now you're a zoning expert the hard way.  
19

20 SECRETARY WAGNER: Amy Rosenbaum.  
21

22 MS. ROSENBAUM: I'd like to introduce  
23 this packet to the board, if possible.  
24

25 SECRETARY WAGNER: This will be Exhibit  
26 1.  
27

28 MEMBER DONATELLI: I'm sorry. If you  
29 could just give your name and address.  
30

31 MS. ROSENBAUM: My name is Amy Lauria  
32 Rosenbaum, 5 Colonial Road, Port Washington, New  
33 York. I'm president of the New Salem Civic  
34 Association for the past 18 years. Resident of 22  
35 years. Thank you for giving us the time to speak.  
36 I do want to apologize to the board when I saw some  
37 of the boards, because I spent time with the Port  
38 Washington Fire Department recently, which you will  
39 hear from. My name is Amy Lauria, a resident of  
40 Port for 22 years. I'm the president of the New  
41 Salem Civic Association of Port Washington, New  
42 York for the past 18 years. Our civic association  
43 covers all of New Salem from Colonial to Wakefield,  
44 as well as behind the Port Washington Police  
45 Department, including Derby and Essence. As  
46 president of the civic association, I was asked to  
47 speak by neighbors at the hearing. However, I did  
48 not receive a letter of notification of the hearing

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1  
2  
3 resulting in the ability to register by 4/1/22.  
4 When learned about this hearing via the posted sign  
5 outside of the Port Washington fire department and  
6 from numerous neighbors who were quite upset with  
7 upcoming recent reconstruction of the fire  
8 department, I reached out to Marianne Delemonte who  
9 helped me with contact information for Virginia  
10 Wagner of the BZA and Chris Bollerman of Port  
11 Washington fire department. I contacted the Port  
12 Washington Fire Department to schedule an emergency  
13 meeting on Sunday, 4/2/2022 at six p.m. to talk,  
14 view plans and drawings. The meeting lasted three  
15 hours ending at nine p.m. Chris Bollerman, Mike  
16 Tedeschi and Chief Waterson and three residents  
17 from New Salem came to review the upcoming plans.  
18 We met in their command center downstairs. They're  
19 existing command center, which is not featured on  
20 this board.

21  
22 CHAIRMAN MAMMINA: No. It's shown on  
23 the architecture.

24  
25 MS. ROSENBAUM: I understand. But it's  
26 existing.

27  
28 CHAIRMAN MAMMINA: Yes. I know. I  
29 hadn't said that.

30  
31 MS. ROSENBAUM: I understand, sir. So  
32 as a design professional with 25 years of  
33 experience, I explained that the proposed design  
34 did not meet the required setbacks of their  
35 occupancy classification of Residence-B based on  
36 the Nassau County tax records. From my  
37 professional experience, I spent a great deal of  
38 time researching the TONH code which is -- when it  
39 is clearly stated in the Town of North Hempstead  
40 code chapter 20, zoning article 3, resident AA  
41 district 70.14C permitted use clearly a volunteer  
42 firehouse which has stricter setbacks making this  
43 design not plausible to be constructed. After  
44 touring the space, I realized there's a definite  
45 need for interior expansion which will change the  
46 footprint of the property. I request we work  
47 together, to be transparent, to have open  
48 communication. The physical expansion of the

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1  
2  
3 building is not the issue. In actuality, as  
4 explained by Chris Bollerman, they went through  
5 great pains to make sure it is very much a  
6 residential look. The problem lies in the current  
7 site plan, making the new construction ADA  
8 compliant. By doing so, it is creating a setback  
9 that is less than 10 feet from the rear of the  
10 building to the property line. As a design  
11 professional and concerned neighbor, I offered to  
12 meet with their architect on my time to discuss  
13 this further to try to compromise and satisfy the  
14 need for their interior ADA requirements,  
15 simultaneously meet New Salem Civic Association.  
16 I'm almost done. One possible solution I mentioned  
17 is to move the proposed rear handicapped ramp to  
18 the front thus allowing proper setback in the back  
19 creating more efficient accessibility to the  
20 handicapped individual to enter the front of the  
21 building instead of go through the back area. The  
22 reaction from the members of the Port Washington  
23 Fire Department was it wasn't pleasing to the eye.  
24 I said that could be fixed with landscaping,  
25 lighting and design. Another issue of parking and  
26 driveway came up. I understand the additional  
27 handicap space, but the three other visitor spaces  
28 became an issue. When I asked Mr. Bollerman how  
29 many visitors they get a week, his answer was one  
30 to two. But what really came from our discussion  
31 is they wanted to be able to park their vehicles  
32 safely instead of on the curb in front of the  
33 firehouse on Port Washington Boulevard. We  
34 discussed, as a compromise, in removing two of the  
35 spaces which was received well. However, we were  
36 not able to address the last and final issue as  
37 stated below. I will say I never agreed to  
38 anything unless I saw it in writing and a new plan.  
39 The driveway entrance from Colonial needed to be  
40 addressed. In addition to the parking spaces, the  
41 driveway doesn't give the proper setback to the  
42 adjoining property. We strongly refuse approval of  
43 any additional driveway entrance onto Colonial Road  
44 so close to the Port Washington Boulevard NYS Rout  
45 101. An additional driveway -- and you will see in  
46 my exhibits that I gave to you, an additional  
47 driveway so close to the intersection of Rout 101  
48 and Colonial will be extremely unsafe and

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1  
2  
3 jeopardize the welfare of community of New Salem.  
4 We also have to contend with a flashing light,  
5 doctor offices, PWFD, a stop sign that doesn't  
6 deter right on -- people making a right hand turn  
7 on red and a number of young with and without  
8 special needs, one of which is my son, walking to  
9 and from school. If someone tried to back out of  
10 the proposed Port Washington Fire District  
11 driveway, not only would their car be hit, but a  
12 child would be hit. Another obstacle, which I've  
13 given to you a copy of is the corner house on  
14 Lowell on Colonial, which is what -- something I  
15 brought to the fire department. It has overgrown  
16 trees and a large retaining wall that prohibits  
17 proper viewing of traffic coming down Colonial  
18 Road --

19  
20 MS. ALGIOS: Ma'am, I'm sorry. You've  
21 gone almost two minutes over.

22  
23 MS. ROSENBAUM: I'm almost there. I  
24 understand, but I waited five hours, four hours so  
25 I'd like to finish.

26  
27 MS. ALGIOS: I understand. But we have  
28 a policy of three minutes and I let you go over so  
29 if you try to wrap it up.

30  
31 MS. ROSENBAUM: I understand. I'm  
32 trying. Thank you.

33  
34 MS. ALGIOS: Thank you.

35  
36 SECRETARY WAGNER: This is in writing  
37 what you're saying, correct?

38  
39 MS. ROSENBAUM: Yes. I'm trying.  
40 You're interpreting me. I'm trying to get out of  
41 here.

42  
43 MS. ALGIOS: It's on the record.

44  
45 MS. ROSENBAUM: No. I've actually added  
46 additional notes and I'd like to finish. Thank  
47 you.

48 In order to be able to make that turn,

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1  
2  
3 one has to pull into the middle of Colonial Road  
4 noted in order to make a left hand to Port  
5 Boulevard leaving the driver very vulnerable to get  
6 hit on the driver side. We offered a solution to  
7 them to work with them and also move the entrance  
8 from Port -- the ADA from the rear of the facility  
9 to the front taking a couple of spots in the back  
10 available in the rear of the building and dedicate  
11 for one handicap accessibility and one for visitor  
12 parking to meet the safety setback issues.

13 Lastly, to continue to be courteous  
14 neighbors, we understand that they do bring a fire  
15 truck there at times when some kind of hurricane or  
16 something is coming, because they don't -- they  
17 want to make sure that they can address the public,  
18 which we are extremely grateful for. So that  
19 loading area is not big enough and the new parking  
20 spaces that are being given, which is part of the  
21 appeal, as it says here, a new parking lot contains  
22 parking spaces that are smaller then required.  
23 Which was not, when you asked that question, was  
24 not answered correctly.

25 New Salem Civic Association greatly  
26 appreciates all of the PWFD volunteers time and  
27 service. We understand the current building hasn't  
28 been updated since 1961 and the renovation of the  
29 interior of their business for administrative  
30 purposes is needed. We want to support the PWFD  
31 anyway we can. However, the safety and welfare,  
32 community and families needs do come first. Due to  
33 the rush nature of this hearing and the amount of  
34 people who are now informed of the situation as was  
35 sent in an e-mail blast to our members through or  
36 website, I respectfully request on behalf of the  
37 New Salem Civic Association and I know you can't  
38 make this decision, but it's my notes, to please  
39 halt or continue this variance so PWFD can go back  
40 to the drawing board to find a working solution  
41 that will meet everyone's needs. I appreciate your  
42 time and I'm sorry I went over.

43  
44 MS. ALGIOS: Ma'am, I just have one  
45 question. You had mentioned that you didn't  
46 receive notice?

47  
48 MS. ROSENBAUM: Nope.

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MS. ALGIOS: Is it your claim that you improperly didn't receive notice under our code or just that you didn't receive notice?

MS. ROSENBAUM: I think it's improper based on your code. But I also think that my name and I've been associated with New Salem Civic Association for many many years, it's not a surprise, people know who I am and I think out of curiosity additional research could have been done where we could have met back in June.

MS. ALGIOS: No. No. That's not my question. My question is our code requires --

MS. ROSENBAUM: I understand your code. I do get that.

MS. ALGIOS: Right. I just want to make sure that you weren't improperly left off the notice.

MS. ROSENBAUM: Well, if you look, I'm on Colby Road so I'm probably just off the cusp. But I will tell you that there are certain members here that did not receive or received something that was so small that they thought it was junk mail and as a result weren't able to come.

MS. ALGIOS: So Steve, did we confirm notice was proper on this appeal?

UNKNOWN SPEAKER: The notices I can double check. Are you definitely within 300 feet of the property?

MS. ROSENBAUM: Probably not.

UNKNOWN SPEAKER: That's why you would not have gotten one.

MS. ROSENBAUM: Probably not. However -- however, there are people that were 300 feet that were not able to come because they did not receive notice and they did not receive

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2  
3 invitation to the June meeting. And I think in  
4 just doing your due diligence for what you were  
5 trying to do, we would support the building, we  
6 just don't support the traffic flow. And there  
7 will -- I respectfully disagree with this  
8 gentlemen. There will be an issue. I'm worried  
9 about people getting hurt.

10  
11 MS. ALGIOS: Thank you.

12  
13 MS. ROSENBAUM: Thank you for your time  
14 and sorry again I went over.

15  
16 CHAIRMAN MAMMINA: Thank you.

17  
18 SECRETARY WAGNER: The next person  
19 listed is Jake Nissenbaum. I just want to remind  
20 everyone of the three minutes.

21  
22 MR. NISSENBAUM: Hello, everyone. I'm  
23 Jake Nissenbaum. I live at 5 Colby Road, Port  
24 Washington. Around the corner of the fire  
25 department. So I'm really -- we don't object, my  
26 wife and I, meaning, understanding to replant. The  
27 building needs expansion. So we have no objection  
28 to that and they are doing their best to  
29 accommodate everything. I do have an objection to  
30 the driveway that they are planning. A picture  
31 speaks a thousand words. I'd like to hand this in  
32 as an exhibit and I would like this to be passed  
33 around, if you can, look the at it very quickly.

34  
35 MEMBER DONATELLI: Opposition Exhibit 2.

36  
37 MR. NISSENBAUM: And I know I'm not  
38 supposed to swear. But I promise you that is not a  
39 scripted photo, I stood on that street for 10  
40 minutes and saw numerous crazy dangerous stuff  
41 happening. That is not my wife in that car driving  
42 purposely over the line. When you make the right  
43 hand turn onto Colonial Boulevard, if you don't  
44 come to a 100 percent stop, you're gonna be wide  
45 and I don't see how cars backing up out of that  
46 driveway are gonna avoid an accident or hitting a  
47 child. And my son of special needs and he does  
48 walk home that way everyday. I have a hound dog I

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2  
3 walk there almost everyday and we always approach  
4 that corner with extreme caution because it's  
5 incredibly dangerous.

6 I just want to read this and then I will  
7 be done. When a car turns off of 101, they are  
8 committed into the turn onto Colonial and can't  
9 just stop when a car is backing out or pulling out  
10 forward from the proposed driveway. If a car  
11 turning onto Colonial makes any adjustment to their  
12 turn, it will affect the cars traveling north on  
13 Port Boulevard with a potential of causing multi  
14 car accidents. Thank you, everybody.

15  
16 CHAIRMAN MAMMINA: Thank you so much.

17  
18 MS. ALGIOS: And I just want to just let  
19 members of the public know, you know, we take  
20 noticing, you know, very -- we place a lot of  
21 importance on that here in the town. So normally,  
22 we would never even get to this point on an appeal  
23 of having an appeal unless our planning department  
24 confirms that noticing was sent out properly. So  
25 we just did confirm that on this appeal that  
26 noticing was sent out proper. And I'm only saying  
27 that, look, things can get by and so we just want  
28 to make sure. But in fact it was proper and  
29 everybody who was supposed to be notified, was sent  
30 notice. I don't know the number, but it 's a 300  
31 foot radius. No the code says 300.

32  
33 SECRETARY WAGNER: The next person to  
34 speak is Regina Rubino.

35 Susan Ridgel. Susan Ridgel?  
36 Michael Tschedchi?  
37 Christina Guilitti, 26 Laurel Road?  
38 James, come on up. You're the next  
39 contestant.

40  
41 MR. CATAGIANNI: James Catagianni, 36  
42 Lowell Road, Port Washington, New York 11050. I  
43 have a major problem with the driveway coming onto  
44 Colonial Road. Like the gentleman said before,  
45 there is really no opportunity for a car to stop.  
46 It's too abrupt when you're turning off of a major  
47 roadway there and it's an accident waiting to  
48 happen. And I just hope that no further



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1  
2  
3 consideration that can be given that it's a fire  
4 department versus another kind of business and  
5 that's all I like to say. I'm in opposition of it.  
6 Thank you.

7  
8 CHAIRMAN MAMMINA: We follow the law.

9  
10 SECRETARY WAGNER: John Featherson.

11  
12 MR. FEATHERSON: I live on -- sorry.  
13 John Featherson, I live on 5 Plymouth Road. Which  
14 is one block over from Colonial Road. Plymouth  
15 Road does not exit out directly out to Porting  
16 Washington Boulevard. So when I come out, I have  
17 to make a left and then a right where the proposed  
18 parking lot exit is on Colonial Road. So I've done  
19 that -- I've been there 30 years, I've made that  
20 turn thousands of times. There's no sidewalk on  
21 Colonial, we've established that. But there's a  
22 sidewalk on Port Boulevard. As some of the other  
23 speakers have said, kids are coming from school  
24 that way and there's a lot of people in Port  
25 Washington that don't have cars. They're going  
26 down to Uncle Giuseppe to do Their shopping. A lot  
27 of people. You have to be very carefully when  
28 you're turning in there or when you're pulling out.  
29 Having that exit there is ridiculous, because it's  
30 a real danger to children, real danger to car  
31 accidents. So I submit that if they are there,  
32 they are gonna have at least one child a year hit  
33 by a car. They are gonna have at least two or  
34 three additional car accidents. I'm not gonna talk  
35 about the visitors, because I go by there all the  
36 time. I mean, I don't know how many visitors  
37 there. So again, my major is, I support the Fire  
38 Department, they do great things but I think that  
39 should not approved that additional exit. Thank  
40 you.

41  
42 CHAIRMAN MAMMINA: Thank you.

43  
44 SECRETARY WAGNER: The next person is  
45 Nancy Rogner.

46  
47 MS. ROGNER: Well, I'm glad I don't have  
48 to say good evening. I'll say good afternoon, my

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1  
2  
3 name is Nancy Rogner, R-O-G-N-E-R. I live at 1  
4 Colby Road in Port Washington, which is in New  
5 Salem. I grew in New Salem and I've lived there  
6 for many decades. My house is just a block away  
7 from the property at hand. I truly understand  
8 growth change and expansion, but I don't understand  
9 the following. This administration office, with  
10 all due respect to these guys that we love, employs  
11 by their own words, nine people. And there are  
12 approximately two guest a week that visit the  
13 building. So as the older we get, we realize that  
14 if A doesn't work, you can try B and C. So my  
15 question is, so you need more space. I get it.  
16 There are a lot of empty buildings in Port  
17 Washington. Some on one side of Uncle Giuseppe,  
18 some maybe to the right side of the Fire  
19 Department. How about renting one of those offices  
20 for the actual administration aspect of what they?  
21 Need more parking? I get it. There are parking  
22 spaces by the TD Bank and behind the bagel shop,  
23 and they are empty most of the time. Now, I also  
24 understand convenience and the thought of being  
25 able to park where you work and walk a couple of  
26 hundred feet. I also know that in a lot of retail  
27 places, the employees have to park in one section  
28 so that the -- sorry -- customers or visitors can  
29 park in another. A lot of the hospitals have  
30 administration offices far away from the actual  
31 hospital. So this isn't rocket science if you want  
32 to try to work with the community. You need a  
33 handicap ramp? Absolutely. There's portable ones.  
34 Did anybody think of that? Maybe that would save a  
35 lot of money. You could put one in the front  
36 entrance, put it on the side for the garage when  
37 it's not in use. With only a few guests a week, I  
38 can't imagine many of them are handicap and I'm  
39 sure they are not arriving alone. If they do, they  
40 need to be buzzed in. Keep the ramp easily  
41 accessible for these situations. Pulling out of  
42 New Salem, I live on the corner of Salem and Colby.  
43 About eight, 10 years ago I was responsible for  
44 getting stop signs on my corner for making a right  
45 to go down Salem Lane. Prior to Covid, from six  
46 o'clock in the morning, you have no idea how many  
47 cars would fly down Salem Lane. A lot more kids  
48 now are walking, people have gotten dogs, they all

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1  
2  
3 wanted to make the train. So if that wasn't an  
4 accessible road for them, they would go down  
5 Colonial because they were not two blocks closer to  
6 the railroad station. So these are two major  
7 roads, intersections, okay, that get you out to the  
8 boulevard. Many run the light. There have been  
9 serious and deadly accidents between Giuseppe and  
10 the -- just slightly after the cemetery. Major  
11 fatalities over the years. They speed down all  
12 these streets to get to the boulevard -- okay. One  
13 second. I'm almost concerned about the expansion  
14 and Uncle Giuseppe. Now you've got -- that's gonna  
15 be setback, that's gonna be more traffic and then  
16 you've got this going on right across the street  
17 with the police deferment and fire department, and  
18 that's only two lights south of the fire  
19 department. Okay. The reason --

20  
21 MS. ALGIOS: Ma'am, I'm just going to  
22 ask you, your time is up if you could just wrap up  
23 your thoughts.

24  
25 MS. ROGNER: Okay. Okay. The reason I  
26 oppose these current plans, New Salem is a  
27 residential community. The entrance to Colonial  
28 Road is flanked by two New Salem brick pillars.  
29 There are no sidewalks on Colonial Road, but there  
30 are children, cats, dogs, baby carriages, bicycle  
31 riders, joggers, et cetera. Do not allow, please,  
32 any entrance on Colonial except for a private house  
33 driveway. It's bad enough that the boulevard  
34 sidewalks are usually unpassable. They are  
35 cracked, uneven, loaded with garage and debris,  
36 over grown seedlings and trees, not to mention  
37 unsightly huge tall PSEG poles dripping with  
38 toxins. This is not an attractive welcome to Port  
39 Washington. And now you're considering a permit  
40 for the questionable need of expansion, in an  
41 "administration office" for a firehouse. It's  
42 safer for residents to walk in the neighborhood and  
43 on Colonial Road, than it is to walk on Port  
44 Boulevard. No one in the New Salem vicinity and I  
45 understand your guidelines were 300 feet or  
46 whatever. Nobody knew about what they were  
47 planning to do. How many people are busy? They  
48 put signs out there. Okay. Big deal. Not

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2  
3 everybody saw them until this was brought to their  
4 attention a few days ago. The last firehouse  
5 meeting in June, two people went. I understand six  
6 letters went out. Okay. So 33 in a third percent  
7 went.

8  
9 MS. ALGIOS: Ma'am, you're over your  
10 three minutes.

11  
12 MS. ROGNER: I know. I know. Two  
13 paragraphs and I think I'm the last one.

14 The one on the past Sunday I found out  
15 at five o'clock and I couldn't go. Was there a  
16 mass mailing? A few postcards? What are they  
17 trying to -- I don't want to say hide, but I can't  
18 think of another word to describe why this is,  
19 like, so contained. Aside from the traffic and  
20 safety issues, what about the property owners next  
21 to and across from the proposed plans? What about  
22 their property values? What about the noise level?  
23 What about the peace and safety of living in New  
24 Salem? This is a residential community. Aside  
25 from the Crazy insane property and school taxes we  
26 must all abide by the expensive timely and  
27 stringent town permit. And from removing a dead  
28 tree and replacing it, to getting a permit for a  
29 toilet. Please, please, please do not allow an  
30 entrance to the fire department on Colonial Road  
31 and please, please, please consider the  
32 ramifications to this residential community. Thank  
33 you.

34  
35 CHAIRMAN MAMMINA: Thank you.

36  
37 MS. ALGIOS: Thank you.

38  
39 SECRETARY WAGNER: Is there anyone else  
40 in the audience that wanted to speak that's not on  
41 our list?

42  
43 MS. ALGIOS: You have to come.

44  
45 SECRETARY WAGNER: And you need to state  
46 your name and address.

47  
48 MR. NISSENBAUM: Jake Nissenbaum, 5

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1  
2  
3 Colby Road. Where are copies of the traffic study?  
4 Was it just cars clicking down the road? Was it  
5 similar to the picture I handed you showing you the  
6 danger?  
7  
8 MS. ALGIOS: We can get you a copy of  
9 that.  
10  
11 MR. NISSENBAUM: Okay. All right.  
12 Thank you.  
13  
14 MS. ALGIOS: You'd like a copy too?  
15  
16 MS. ROSENBAUM: Amy Lauria, 5 Colby  
17 Road. I asked for that copy and I was denied it.  
18 So I really feel that, yes, I would like a copy.  
19  
20 MS. ALGIOS: Okay. We'll look into  
21 that. Okay. Someone will get back to you.  
22  
23 MS. ROSENBAUM: Okay. And also the  
24 reason more people didn't come, we have a massive  
25 website for New Salem Civic Association, as soon as  
26 I found out what was going on, we sent out a blast  
27 e-mail. So my responsibility is to keep my  
28 neighbors informed. Thank you.  
29  
30 MS. ALGIOS: Thank you.  
31  
32 MEMBER DONATELLI: Perhaps we can have  
33 the applicant come back up and address some of the  
34 comments.  
35  
36 MR. DEWITT: Thank you. At this time  
37 we've listened to a lot of the comments that were  
38 made and we would like you to request if we could  
39 have the record kept open. We would like to go  
40 back and see if we can come up with some  
41 alternatives to present to the board, but more  
42 importantly to go over with the community to see if  
43 there is something that we can come up with that  
44 will work. So is that something that the board  
45 would entertain?  
46  
47 MEMBER DONATELLI: Absolutely. I, for  
48 one, have always advocated communication between

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1  
2  
3 applicants and the public. As the Chairman  
4 indicated at the very start of this morning's  
5 meeting, we have all been on that side of the  
6 podium at one point or another. I mean, some of us  
7 often and some of less often. But I encourage  
8 dialogue and in fact, I think that that would be  
9 helpful.

10 May I just ask a question though. Was  
11 there a traffic study done and can that be made  
12 available to the public?  
13

14 MR. ESCHBACHER: The work that I did, I  
15 presented during the hearing today, there's nothing  
16 written beyond that. But if I were write  
17 something, it would be the testimony that I gave  
18 today. There's, I think, you know, from listening  
19 to everyone speak, the big issue is the driveway on  
20 Colonial. It seems like the community, in general,  
21 understands the need to expand the building.  
22 That's not the issue. So, you know, we've  
23 conferred and we want to take a look and see what,  
24 if anything, with can do to address that. You  
25 know, once again, as I indicated, the total traffic  
26 won't change. It'll just be different on which  
27 goes directly into the rear parking as oppose to  
28 what goes on Colonial. I stated that there will be  
29 a minimal amount on Colonial, but we are making  
30 recommendations to improve the visibility. The way  
31 it is now -- actually, it was the first thing that  
32 I said to Mr. Bollerman when I was out there  
33 recently, you know, walking along the side of that  
34 property, you can't look to the left and see  
35 anybody that's coming. It's even tougher because  
36 there are often cars parked there too. So that  
37 needs to be cleared up.  
38

39 MEMBER DONATELLI: Again, not to repeat  
40 myself. This has been a long hearing and a long  
41 day actually. But I would encourage all parties to  
42 sit down and discuss this. We've certainly heard  
43 that some people who would have liked to have been  
44 noted, did not have notice perhaps because they are  
45 outside of the radius. And I personally have seen  
46 in other instances, very good solutions come out of  
47 discussions. So I don't want to speak for the  
48 Chairman, but --

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2  
3  
4 CHAIRMAN MAMMINA: No. No. No. Go  
5 ahead. It's perfect.  
6

7 MEMBER DONATELLI: If we can, continue  
8 this hearing and see if there is something that is  
9 constructive and positive that comes out of this  
10 communication. I would strongly urge all parties  
11 to do that.  
12

13 MR. DEWITT: Certainly. And thank you,  
14 Member Donatelli, for pointing that out. I just  
15 would like to say that, you know, this is not  
16 something that will happen in 48 hours or two  
17 weeks. It's gonna take sometime and so I go on the  
18 record and stay that, and say that to the community  
19 that it will take time to put -- for us to go back,  
20 consider things and then get a notice out to the  
21 community. I suppose Ms. Rosenbaum is the person  
22 that we'll reach out to and let her know when we  
23 are ready again meet. But I just want to stress  
24 this isn't something that happens quickly.  
25

26 MEMBER DONATELLI: We understand. These  
27 are very difficult issues. They're very difficult  
28 problems and certainly we would all wish that Port  
29 Washington Boulevard were different. We would all  
30 wish that traffic were not such an issue as it is.  
31 So we understand that. But again, communication  
32 can be a very positive thing and so I would  
33 encourage you to take a advantage of that.  
34

35 CHAIRMAN MAMMINA: Always the best. No.  
36 No. Thank you.  
37

38 (Talking amongst the audience.)  
39

40 CHAIRMAN MAMMINA: Sir, I think that's  
41 what he -- what we are doing right now is highly,  
42 highly irregular. I think that the contact point,  
43 as Mr. Donatelli said, unless anyone else here  
44 disagrees, it probably should be with you because  
45 you would be the most direct conduit, you know, for  
46 that contact to happen.  
47

48 MEMBER DONATELLI: So my suggestion is

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1  
2  
3 once this hearing is at an end, if you could go  
4 outside into the hallway because I believe we have  
5 another matter and just exchange contact  
6 information.  
7

8 MR. DEWITT: So I just would like to  
9 clarify that. The notification was that we are  
10 ready to meet with the community, not that we were  
11 going to the town. That's what I meant by  
12 notification. I think the board understood that.  
13

14 MS. ALGIOS: You're confusing two  
15 different things, ma'am. The notification for 300  
16 feet is for a meeting before the town, the zoning  
17 board. The applicants are required to give notice  
18 to residents within a 300 foot radius. This is  
19 something that the applicant is willing to reach  
20 out to the community and give notice. So when you  
21 go outside, you guys can work that out.  
22

23 MR. DEWITT: Thank you.  
24

25 MEMBER DONATELLI: Thank you. Just one  
26 other thing before you all leave. It's been a long  
27 day and we treasure community input. We understand  
28 that you've been patient and we appreciate your  
29 taking the time to come on down to be heard.  
30  
31  
32  
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34  
35  
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48



1 APPEAL #21210  
2

3 SECRETARY WAGNER: Next appeal is Appeal  
4 Number 21210, Van Buren Properties III, LLC/Gun  
5 Hill Triangle Realty Corp./Empire Car Rental/Hitch  
6 King; 1850 Imperial Avenue, New Hyde Park, Section  
7 8, Block 193, Lot 4-11, 47, 25-31; in the  
8 Industrial-B Zoning District. Variances from  
9 70-103(A) and 70-212.B, to legalize interior  
10 alterations to convert a warehouse into an auto  
11 body repair shop with not enough parking and  
12 outdoor storage that is too close to the street,  
13 takes up too much of the lot, and will not be  
14 screened from view.  
15

16 CHAIRMAN MAMMINA: You heard Appeal  
17 Number 21210, Van Buren Properties III, LLC/Gun  
18 Hill Triangle Realty Corporate/Empire Car  
19 Rental/Hitch King. I think I got them all.  
20

21 MS. TSOUKALAS CURTO: Good afternoon,  
22 Chairman Mammina, Members of the Board. My name is  
23 Andrea Tsoukalas Curto. I'm with the firm of  
24 Forchelli, Deegan and Terrana, 333 Earle Ovington  
25 Boulevard, Uniondale, New York. I'm here on behalf  
26 of the applicant Gun Hill Triangle Realty Corp.,  
27 doing business as Hitch King. With me today is Ian  
28 Kushnick, he's the operator and owner of Hitch  
29 King. Frank Janice and Han Sue Lee from N2 Design  
30 and Architecture, Robert Eschbacher, the  
31 applicant's traffic engineer with VHB. And  
32 Santiago Rios, the director of operations with  
33 Parkmatic. As mentioned, this is an application  
34 for area variance to maintain an existing  
35 industrial use at the premiss. The applicant seeks  
36 a parking variance and a setback and plot coverage  
37 variance to maintain accessory storage of vehicles  
38 at the site. Specifically the required parking at  
39 the site is 24 spaces and 10 spaces are proposed.  
40 Furthermore, the accessory storage does not meet  
41 the 120 foot setback requirement. It's proposed at  
42 the property line. Also, the storage covers 65  
43 percent of the plot area, when only 15 percent is  
44 permitted. Just to give a little background  
45 regarding the premises. The subject premises is  
46 located on the southwest corner of Denton Avenue  
47 and Imperial Avenue in New Hyde Park and is  
48 situated in the town's Industrial-B Zoning

## APPEAL #21210

1  
2  
3 District. The premises has frontage on three  
4 streets, Denton Avenue, Imperial Avenue and Jasmine  
5 Avenue. Imperial Avenue is a dead end street with  
6 not much street traffic. My client has been at  
7 this location for five years now and he just  
8 purchased the lot on Jasmine Avenue about a year  
9 ago to provide additional accessory storage for his  
10 business. The property is improved with a 7,191  
11 square foot building. It's centrally located  
12 within -- on the property. There's two parking  
13 lots. One on the north side and one on the south  
14 side of the premises. The north parking lot is  
15 proposed to be used for employee and visitor  
16 parking. The south parking lot is proposed to be  
17 improved with the outdoor storage of vans, which  
18 will be rented. Also proposed are 22 triple level  
19 parking lifts to create additional parking on the  
20 site. The storage vehicles is antricle part of my  
21 client's business. He operates a fleet service and  
22 rental facility at the premises with -- as you can  
23 see from the photos that I've just given you,  
24 accessory parking of his rental vehicles onsite.  
25 He also repairs the vans onsite. For the record, I  
26 do want to state that I did just submit an exhibit  
27 packet to the board. That will be Applicant's  
28 Exhibit A. So the majority of this business deals  
29 with corporate and municipal clients. He manages  
30 fleets of vehicles for the United States Postal  
31 service, UPS, Fresh Direct, Amazon and Fed Ex. So  
32 during the pandemic, as you can imagine, this was a  
33 very important business to have, you know, he was  
34 the one who was delivering food and goods to  
35 people. He has a very strong demand for these  
36 types of vans going out delivering to everyone.  
37 There is a very small retail component to his  
38 business where someone may want to rent a Sprinter  
39 van for say, like, a soccer team or a family trip  
40 to go somewhere. But the majority of this business  
41 is the corporate fleet client. Clients do not  
42 leave their cars onsite. So the vehicles are  
43 either picked up from the site with another driver  
44 or they're delivered to the end user. We will  
45 demonstrate that the proposed outdoor storage of  
46 vans will not have a negative impact on the  
47 character of the neighborhood. There are heavy  
48 industrial uses in and around this site. Most of

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1  
2  
3 the proposed triple decker parking lifts will not  
4 be visible from the street, except partially on  
5 Jasmine Avenue and that's only on the westerly wall  
6 that you will actually be able to see it as you're  
7 driving up Jasmine. Either side actually. What is  
8 proposed is actually nicer than most of the other  
9 outdoor storage of materials and equipment in the  
10 immediate area. And what we are proposing will  
11 clean up the site by providing all of the outdoor  
12 storage in the rear of the premises.

13 So turning to your exhibit packet that's  
14 before you. Exhibit 1 is an aerial of the premises  
15 and the surrounding area. So you can see the sand  
16 pit and concrete ready mix to the west of the  
17 property. That's right behind us. And then you  
18 have auto uses on either side and auto uses across  
19 the street on Denton Avenue. Exhibit 2 is the site  
20 plans depicting the layout of the parking lot from  
21 the location of the proposed lifts. Exhibit 3 is  
22 two site sections of the lifts and then a  
23 photograph of sample screening used for these types  
24 of lifts. So we will get back to that. Exhibit 4  
25 are the photos of the premises as it exists today  
26 and the surrounding areas. As you can see with  
27 respect to the existing use, he does stack the  
28 vehicles now, like, almost like a valet service.  
29 He is able to put in as many as he can and with  
30 what we're proposing with the lifts, you know,  
31 he'll be able to store in the back and be more  
32 organized.

33 So he also wanted me to explain that he  
34 just recently got a new shipment of vans, because  
35 when ordered stuff with the pandemic, there was  
36 over a year delay with that. So normally the vans  
37 are out on the street, right, because that's how he  
38 makes money. But he does have more than he usually  
39 has onsite. Right. There was a supply chain  
40 issue.

41 If you look at Exhibit 5, he did obtain  
42 consents from most of his neighbors. The radius  
43 map highlights the owners and we also provided the  
44 consent letters from each of the owners. So he --  
45 I wanted to point out the four most impacted  
46 neighbors have consented to this application. So  
47 he obtained consents from Jasmine Associates, which  
48 abuts the premises to the west. He also owns --

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1  
2  
3 that's Eugene Massina. He also owns the Franchise  
4 Associates. It's the same -- the two other --  
5 that's the sand pit. So it's three things, Jasmine  
6 Associates and the two other buildings that he owns  
7 all to the west of the premises. So those are  
8 highlighted. Denton New Hype Park Realty, that  
9 abuts the Premesis to the south. 10 NYP, LLC, that  
10 is directly across the street on the North Side of  
11 Imperial Avenue. He owns Van Buren and he also  
12 obtained a consent from two other industrial uses  
13 on Denton Avenue, which are within the 200 foot  
14 radius. I did speak about the character of the  
15 neighborhood. All heavy industrial uses,  
16 especially to the west, which would be most  
17 impacted by this. I know the lifts are a new use  
18 and I understand that, and I'm sure many of you  
19 have seen them in Queens and other areas, but if  
20 there is a location to put it in North Hempstead, I  
21 would think that this is the right location given  
22 that there are no residences, given that you have  
23 the sand pit in the back and you are not gonna be  
24 impacting anybody.

25  
26 CHAIRMAN MAMMINA: When I saw the  
27 section through the -- let me make sure this is  
28 Industrial-B.

29  
30 MS. TSOUKALAS CURTO: Yes. Yes. Right.

31  
32 CHAIRMAN MAMMINA: 28 feet high.

33  
34 MS. TSOUKALAS CURTO: Yeah. It is tall,  
35 yes.

36  
37 CHAIRMAN MAMMINA: I did one in Queens  
38 that was like a carousel. That went up about 50  
39 feet.

40  
41 MS. TSOUKALAS CURTO: Really. Yeah. So  
42 I did provide photos and exhibits for -- of outdoor  
43 storage of materials so you could see that there's  
44 a building supply store across the street has racks  
45 of wood and other materials, similar to what we're  
46 proposing. Again, they don't have any impact  
47 either, because there is nobody behind them so I  
48 can understand why it was approved. And we also

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1  
2  
3 provided photos of Eagle Auto Body Collision,  
4 Tiptop auto Body and Rider Service and Trucks, all  
5 have outdoor service -- I mean, outdoor storage  
6 rather, I mean, because this is the Industrial-B  
7 District. This is where you're going to be putting  
8 that so it is appropriate, because there is no  
9 residences.

10 So I do have somebody here, Santiago  
11 Rios from the lift company incase you had specific  
12 questions for him. But, you know, just to give an  
13 overall view, these are going to be custom built  
14 for the client if approved by this Board to  
15 accommodate vans and SUVs. The site section shows  
16 that the lift will be 28 feet eight and one-eighth  
17 inches tall, 13 feet seven inches deep and eight  
18 feet by 11 and seven-eighth inches wide. So the  
19 dimensions are not exactly, they are going to need  
20 some tweaking again. But that's approximately what  
21 they --

22  
23 CHAIRMAN MAMMINA: Better be 11 and  
24 Seven-eighths.

25  
26 MS. TSOUKALAS CURTO: Because then it  
27 would be. Okay.

28  
29 MEMBER DONATELLI: So I have a question.  
30 If the lift by itself is that high.

31  
32 MS. TSOUKALAS CURTO: Yes.

33  
34 MEMBER DONATELLI: How high would the  
35 highest van be on the top of the lift?

36  
37 MS. TSOUKALAS CURTO: So if you look at  
38 site section three, it shows it. It's inside the  
39 lift and so it's actually about two feet lower than  
40 the highest part of the lift.

41  
42 MEMBER DONATELLI: So it would not  
43 exceed the measurements that you just gave us?

44  
45 MS. TSOUKALAS CURTO: It would not. It  
46 would not.

47  
48 MEMBER HERNANDEZ: You can't put a

1 APPEAL #21210

2  
3 Sprinter on top of that.

4  
5 MS. TSOUKALAS CURTO: We could try, but  
6 I don't think that would work.

7  
8 MEMBER GOODSELL: So Ms. Curto, to the  
9 motor vehicle shop, auto body shop work for this,  
10 that's really not for the general public. That's  
11 for client to service his own vehicles, correct?

12  
13 MS. TSOUKALAS CURTO: That's correct.  
14 That's correct. He services the fleet for his  
15 clients. So there is not people coming into the  
16 site.

17  
18 MEMBER GOODSELL: Exactly.

19  
20 MS. TSOUKALAS CURTO: Like, you and I  
21 would not be going there to get our car done.

22  
23 MEMBER GOODSELL: Like, if I had a  
24 fender bender I would not be going there.

25  
26 MS. TSOUKALAS CURTO: Right. Right. So  
27 the a this time I would like Mr. Eschbacher --  
28 unless you had more questions for me?

29  
30 MEMBER GOODSELL: No. I'll hold my  
31 questions on the lift until the gentleman who is  
32 gonna speak about the lift presents.

33  
34 MS. TSOUKALAS CURTO: Okay. Great.  
35 Thank you. Okay. So, Mr. Eschbacher, at this time  
36 if you can present on the parking.

37  
38 MEMBER GOODSELL: Like Elton John, he is  
39 just back on the end.

40  
41 MR. ESCHBACHER: Actually, even though I  
42 officially retired last Thursday, I still have 15  
43 hours that will take place between now and July.  
44 But I get three of them out of the way today.  
45 Hopefully the toughest ones, but I'll be back here  
46 a number of times. Quickly, Robert Eschbacher of  
47 VHB Engineering, 100 Motor Parkway in Hauppauge. I  
48 was retained to evaluate the overall parking

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1  
2  
3 adequacy of this application. Based on the notice  
4 of disapproval, 24 parking spaces are required,  
5 only 10 conforming spaces are provided and there in  
6 the front of the building as such. If the board  
7 members have been out there, you've probably seen  
8 it's jammed pack, you know, and there is no way  
9 around it. When I was out there on multiple  
10 occasions, I couldn't even walk between some of the  
11 vehicles. The intent here is to increase the  
12 parking supply and do it in a more orderly manner.  
13 If we could go back to the site plan, please.  
14 Right now, if you are familiar with the front  
15 parking area, once again, it's a giant parking lot  
16 with everything jammed in there. Under the plan it  
17 will be reconfigured and the driveway on Denton  
18 will be an entrance only. Dropped off. And then  
19 the five staff members would also park in the  
20 front. When they go to leave the site, they will  
21 go out onto Imperial Avenue and turn back towards  
22 the neighborhood. That alone will be a vast  
23 improvement. Over in the rear is where the plan  
24 proposed to significantly increase the capacity of  
25 the site. Not only are we proposing the three  
26 level lifts, but also a good amount of maneuvering  
27 room, because if you are familiar how the -- if you  
28 had the vehicle parked on the second level, in  
29 order to retrieve that, you have to pull the  
30 vehicle from the first level out and then it's  
31 hydraulically lowered and the second one can come  
32 out. So you need some room for jacking vehicles  
33 around and so on and this plan will provide that.  
34 So in terms of overall parking, we would end up  
35 with the 66 vehicles with capacity in the rear  
36 using the three leveled lifts and the 10 spaces in  
37 front, which would give us a total of 76. Well in  
38 excess of the 24 that would be required by the  
39 zoning code. Just in my professional opinion, the  
40 approval of this and the implementation of this  
41 would result in a significant improvement over the  
42 conditions that currently exists and also in terms  
43 of the traffic situation, the site distance along  
44 Denton very limited at times by cars parking along  
45 there. So rather than having cars exit from the  
46 parking area onto Denton, they will come out at the  
47 intersection of Imperial of Denton where it's a  
48 preferable place.

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1  
2  
3 I'd be happy to answer any questions the  
4 Board may have.

5  
6 MEMBER GOODSELL: Whose cars do they  
7 anticipate parking on the lift that are --

8  
9 MR. ESCHBACHER: It would be -- well, I  
10 shouldn't say cars, it's the vehicles, the vans.

11  
12 MEMBER GOODSELL: It is the vans. Okay.

13  
14 MR. ESCHBACHER: Yes. Yes. And these  
15 have been specially designed to accommodate the  
16 height of the vans and length as well. They'd be  
17 custom made.

18  
19 MEMBER GOODSELL: I'm asking, because I  
20 believe the diagram that we have shows cars. Which  
21 I didn't think that they were gonna be cars, but  
22 when I looked at the property, there are an awful  
23 lot of white vans parked right up against one  
24 another.

25  
26 MR. ESCHBACHER: Yes. So the lifts are  
27 designed to accommodate those vans.

28  
29 MEMBER GOODSELL: I have no more parking  
30 or traffic questions.

31  
32 MR. ESCHBACHER: Thank you.

33  
34 CHAIRMAN MAMMINA: Thank you, Mr.  
35 Eschbacher.

36  
37 MS. TSOUKALAS CURTO: So at this time if  
38 you have questions for Mr. Santiago regarding the  
39 lifts? Okay.

40  
41 MR. SANTIAGO: Good afternoon, Chairman  
42 and Members of the Board, my name is Santiago Rios.  
43 I represent Parkmatic. My address is --

44  
45 CHAIRMAN MAMMINA: Address. Business  
46 address.

47  
48 MR. SANTIAGO: 1129 Northern Boulevard,



## APPEAL #21210

1  
2  
3 Manhasset, New York 11030. I'm here on behalf of  
4 Parkmatic. I'm director of operations. Parkmatic  
5 has been in business for over 25 years doing  
6 supply, installations and maintenance of parking  
7 lifts. We serve all the five boroughs in Long  
8 Island with over 10,000 lifts installed in that  
9 time. We -- what's being proposed here is our  
10 tripper stacker model. It is a three level unit  
11 that can house up to three cars. We have models  
12 that can hold anywhere up to sedan vehicles all the  
13 way up to Sprinter vans. And essentially what they  
14 are just steel frames with two platforms per unit.  
15 Those platforms are tied to steel cables that are  
16 run via pulleys on the top of the frame and these  
17 cables are attached to cylinders that are mounted  
18 on each lift and those cylinders are all hooked up  
19 via hydraulic lines that tie into a master power  
20 unit that regulates the flow of the hydraulic fluid  
21 that gives it the power needed to lift those  
22 platforms via the cables. It's a very simple  
23 elegant system. We have several safety features in  
24 place and redundancies to protect the personnel  
25 that operates these, and these are designed to just  
26 be operated by trained personnel and Parkmatic  
27 provides that training after the systems are fully  
28 commissioned. To protect those operators, we have  
29 the operation button panels on front. On the front  
30 of each lift has a keyed switch so you need to have  
31 that key to operate. No one can come from the  
32 outside and start playing with the up and down  
33 buttons. So that key, once it's locked in, it's an  
34 automatic up. So a car comes, parks on the  
35 platform and once they exit that transfer area,  
36 they will activate the machine with that button  
37 panel. It's an automatic up so you hit the button  
38 once, it will raise it to the appropriate level and  
39 rest on the steel locks at that level. And then  
40 it's a manual hold down. So once you turn that --  
41 that key, you have to hold it the entire time that  
42 it's coming down and we do that for safety reasons  
43 in case there is someone or something in the  
44 transfer area. There are also anti-fall locks at  
45 each level in case of -- in the rare case of a  
46 cable failure and we also have a manual hydraulic  
47 release valve at each cylinder, in case the power  
48 goes out and you still need to retrieve vehicles.

## APPEAL #21210

1  
2  
3                   So at this time, I'd like to answer any  
4 questions that you have in regards to these  
5 systems.  
6

7                   MEMBER GOODSELL: I was just going to  
8 ask you, because during Hurricane Sandy, they  
9 couldn't get to their because there was no  
10 electricity. Does this particular site expect to  
11 purchase these, lease these from you? What's gonna  
12 be the arraignment?  
13

14                  MR. SANTIAGO: That hasn't be determined  
15 yet. But we do provide both options.  
16

17                  MEMBER GOODSELL: And when you say that  
18 you are going to train the personnel who is going  
19 to operate, does that mean that your company keeps  
20 someone on site for a certain period of time?  
21

22                  MR. SANTIAGO: We train the employees.  
23 Once everything is fully commissioned, we set up a  
24 day training with the operators of the units and go  
25 through all the checklists and show them how to  
26 operate it, and give them a certificate to show  
27 that they've passed that training.  
28

29                  MEMBER GOODSELL: How noisy are these?  
30 You can hear them, can't you?  
31

32                  MR. SANTIAGO: Yes. And it would be  
33 focused -- here where the two car units would be  
34 going so it would be sort of tucked away in that  
35 corner and it's about seven, eight operating  
36 decibels. So it can be -- there are certain ways  
37 to dampen that noise if it becomes an issue.  
38

39                  MEMBER GOODSELL: We recognize that this  
40 is an industrial area and the nearest neighbors  
41 alike are other industries that operate their own  
42 machinery. But this is interesting, because I  
43 don't -- I can't think of another site in New Hype  
44 Park that has this type of storage system. And so  
45 I am just asking how many of these can you operate  
46 at one time? Is the system designed so that on one  
47 row, one leg of these, one at a time? Can you  
48 operate more than one? How busy can they be?

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2  
3 MR. SANTIAGO: So we can hook up up to  
4 15 triple stackers to one power unit and each power  
5 unit will just operate one lift at a time.

6  
7 MEMBER GOODSELL: So it's a safety  
8 feature to one at a time?

9  
10 MR. SANTIAGO: Right.

11  
12 CHAIRMAN MAMMINA: Another question that  
13 I have that I think relates to this, but is more  
14 out of curiosity on my part and Jay had just  
15 whispered something to me, was had a project in New  
16 York City, they needed 300 cars, office building  
17 and they proposed the stackers. They got it  
18 approved in the building department. I said to the  
19 client, you're out of your mind. But how do you  
20 get 300 cars out of here in any kind of a  
21 timeframe. I don't care if you have olympic runner  
22 that are doing this, you know, and I said only  
23 because there's an ordnance of the town about  
24 parking garages as multilevel things and I think  
25 that if this were to show up, we have an industrial  
26 park that's in the northern part of the town where  
27 people are more and more realizing that, you know,  
28 who is going to manufacture on Long Island and, you  
29 know, we are getting applications, you know, that  
30 come in, you know, for that. So I mean, I would  
31 want to be careful about having somebody say, well,  
32 you gave it to them, you know, over in, you know,  
33 in this part of New Hyde Park and this is a  
34 different scenario than somebody going into an  
35 office building where you have people coming and  
36 going throughout the day. But I am just curious,  
37 how long does it take for, let's say there were  
38 three cars in there?

39  
40 MR. SANTIAGO: Three cars? So the -- you  
41 would remove the car at the bottom that's on grade,  
42 that's easy to remove and then each lowering of  
43 each platform would about take about 15 seconds.

44  
45 CHAIRMAN MAMMINA: Okay.

46  
47 MR. SANTIAGO: So they're pretty fast.  
48 They are much faster going down than up.

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CHAIRMAN MAMMINA: Gravity is funny  
that way.

MR. SANTIAGO: Yeah. That's how it  
works.

MEMBER DONATELLI: I have a question and  
perhaps this is better answered by the applicant or  
counsel. Are you on notice that on a given day you  
need 10 vans so that you can start planning it, or  
do 10 people just show up, or 20 people, or perhaps  
you can address that?

MR. KUSNICK: My name is Ian Kusnick,  
1850 Imperial Avenue, New Hyde Park, Town of North  
Hempstead. Also a member resident of New Salem as  
well. 5 Oak Drive which is off of Excess and Derby  
so resident of Town of North Hempstead  
coincidentally.

MEMBER GOODSELL: We didn't hear you  
speak.

MR. KUSNICK: I propose what they do.  
They are for public safety.

I'm sure there's few questions to  
answer, but the one that was presented just not,  
everything is in a time notified from our main  
vendors that we support today of their  
seasonalities with peek season, for package and  
Christmas time and they give us plenty of ample  
notice on a scheduled basis we need by Monday,  
thereafter starting in July, so on and so forth for  
and we are scheduling what they're requesting we  
deliver to them.

MEMBER DONATELLI: So you can -- sorry.  
So you can anticipate the need on any given day,  
you can preplan for it?

MR. KUSNICK: Yes. We have our  
reservation and then we're -- most of these white  
vans today are supporting last mile logistic  
delivery on a scheduled basis. So they tell us  
when they have demand well in advance and they can

## APPEAL #21210

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3 track a demand, whether it's an Amazon Prime day  
4 and they have a request well in advance to  
5 coordinate those, you know, channels of logistic  
6 deliveries.

7  
8 MEMBER DONATELLI: And I'm sorry, one  
9 other question. Fuelling, does that take place  
10 onsite?

11  
12 MR. KUSNICK: Unfortunately at this  
13 time, based on the size, we do not fuel there.

14  
15 MEMBER DONATELLI: So it's done offsite?

16  
17 MR. KUSNICK: All offsite. And they are  
18 delivered full and when the drivers are bringing  
19 them back -- and they normally go out for an extend  
20 period of time. It's not like a short term basis.  
21 To answer the lift question up and down, it would  
22 normally be out for a multi-month situation where  
23 we don't see it, unless it's coming in for a  
24 recall, service or body repair.

25  
26 CHAIRMAN MAMMINA: Other question that  
27 have, you deliver them to where they're going to go  
28 or are there driver's coming and then what do they  
29 do with their car?

30  
31 MR. KUSNICK: To answer the question,  
32 it's mixed use like Andrea touched on. A majority  
33 of our work is commercial deliver at this point in  
34 time. So we are actually delivering to them or  
35 perhaps we send, I don't want to say a shuttle bus,  
36 but a small Sprinter van that houses multiple  
37 people and maybe we would pick them up from their  
38 site, whether it's FedEx or postal service. A few  
39 of the FedExes that we service is Garden City, 585  
40 Stewart Avenue. We would pick up some of their  
41 driver's when they have a planned demand and  
42 through coordinator effort of new vehicles incoming  
43 to deliver to them and identified for them, support  
44 them and then at certain times be picking up our  
45 aged product, bringing it back and out servicing it  
46 where it's going to be set for sale or, you know,  
47 retirement.

48

1 APPEAL #21210

2

3 CHAIRMAN MAMMINA: Okay.

4

5 MEMBER DONATELLI: Thank you.

6

7 MS. TSOUKALAS CURTO: Do you have any  
8 other questions?

9

10 MEMBER GOODSELL: I don't think I do. I  
11 especially like the traffic circle, because I  
12 pulled onto Imperial Avenue. Pulled down as far as  
13 I could and said oh, deer, it's a dead end and I  
14 didn't use the word deer if you could imagine.  
15 Someone kind of came out and said, can I help you?  
16 And I'm, like, I'm lost. Made an 11 point turn and  
17 got back out to Denton Avenue. Now, I've only  
18 passed this facility a thousand times, I never been  
19 up Imperial Avenue. I like the idea of the traffic  
20 flow much better. I think it will work better and  
21 when I visited the site, my first question is where  
22 are they gonna park all of these vans and now I  
23 know.

24

25 MS. TSOUKALAS CURTO: Now you know.  
26 Makes sense.

27

28 MS. GOODSELL: Let me ask a question,  
29 how many vehicles does this particular site park on  
30 the street on Imperial Avenue?

31

32 MS. TSOUKALAS CURTO: On Imperial  
33 Avenue?

34

35 MR. KUSNICK: Can I address that?

36

37 MEMBER GOODSELL: Sure. Why are there  
38 so many cars on Imperial Avenue?

39

40 MR. KUSNICK: So Imperial avenue, as you  
41 experienced, counsel -- Member, is it's a  
42 bottleneck. It becomes a situation of being a dead  
43 end and I find -- I'm there everyday. I might have  
44 been one of the people that come out. We actually  
45 have a person on point all the time when we're open  
46 to address people like you, where either it's a  
47 dead end and it's not well identified because of  
48 how the highway department -- we've called for dead

## APPEAL #21210

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3 end signs, additional signage, but how it's  
4 positioned, it's not really -- they've denied our  
5 request to try and approve to notify people. So  
6 yes, from time to time we do get people down there.  
7 The ongoing situation, I'm not saying is us, I  
8 would say that on our side of the street, which is  
9 the south side, south side we try our very best to  
10 keep it clear. Most of the time there's days we  
11 don't have anyone coming. For someone really show  
12 up unannounced, it's also -- the block is a dead  
13 end. We have two of the three parcels that belong  
14 to us. There's only one other neighbor who  
15 occupies the north side of a street on reoccurring  
16 basis. Great people. We have a great  
17 relationship. He supports government service for  
18 landscape -- not so much of cutting lawns, but more  
19 city park projects where his men -- we have a great  
20 relationship where his me and women leave their  
21 fleet at, like, five in the morning and don't  
22 return until the end of the day, four in the  
23 afternoon and at that time, we coordinate for them  
24 to get in. So there is, like, no ongoing  
25 reoccurring traffic except for somebody that might  
26 get lost or somebody coming and makes the wrong  
27 turn.

28  
29 MEMBER GOODSSELL: So let me ask you a  
30 question; if the board were to approve your  
31 application, if we impose the condition that you  
32 would -- all of your parking for all of your  
33 vehicles onsite and not on Imperial Avenue, would  
34 you be able to live with that?

35  
36 MR. KUSNICK: We -- I would -- could you  
37 repeat that and counsel would probably be best to  
38 answer that.

39  
40 MEMBER GOODSSELL: Imperial Avenue is a  
41 public street.

42  
43 MR. KUSNICK: We try and tell our  
44 customers that maybe are returning or coming for  
45 service, that we actually greet them and take them  
46 right away. Unfortunately, some people don't  
47 listen to direction no matter what we tell them  
48 with signage or with notified person.

## APPEAL #21210

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MEMBER GOODSELL: I'm not talking about traffic. I'm talking about parking. Parking. Parking of white vans, visitors, parking for an extended period of time on your side of Imperial Avenue. If we were inclined to approve your application with the condition that all of these white vans and your employees not park, not that there is no parking, but not that they park on your side of Imperial Avenue, could you live with that?

MR. KUSNICK: Yes. Absolutely. Absolutely.

MEMBER GOODSELL: It is a crowded street. We, in looking at the parking that you're going to -- that you're proposing with the lifts, if we can get your side of the street off the street, that would be a big help.

MR. KUSNICK: It would make me day. It's a stressful street.

MEMBER GOODSELL: Well, Mr. Chairman, if possible, I think I would be ready to make a motion.

CHAIRMAN MAMMINA: Okay. Please do.

MEMBER GOODSELL: I make a motion that we approve the application after discussing it with the condition, that the vehicles, under the control of the owner and applicant, be parked on the property and not on Imperial Avenue.

MS. TSOUKALAS CURTO: That's the rental vans, correct?

MEMBER GOODSELL: The rental vans, yes because there were a number of vans parked on Imperial Avenue. And that perhaps your visitor entrance could be clearly marked as visitor entrance so people wondering down Imperial Avenue looking for you might turn around and go into the visitor's parking garage.



1 APPEAL #21210

2  
3 MR. KUSNICK: Absolutely.

4  
5 MEMBER GOODSSELL: And I make a motion,  
6 with those conditions, that we approve the  
7 application.

8  
9 CHAIRMAN MAMMINA: Okay. We have a  
10 motion from Member Goodsell. Do we have a second?

11  
12 MEMBER FRANCIS: Second.

13  
14 MEMBER DONATELLI: Aye.

15  
16 CHAIRMAN MAMMINA: I'll give it to the  
17 Vice-chairman. Seconded by Mr. Francis.  
18 Please poll the Board.

19  
20 UNKNOWN SPEAKER: Member Goodsell?

21  
22 MEMBER GOODSSELL: Aye.

23  
24 UNKNOWN SPEAKER: Member Donatelli?

25  
26 MEMBER DONATELLI: Aye.

27  
28 UNKNOWN SPEAKER: Member Hernandez?

29  
30 MEMBER HERNANDEZ: Aye.

31  
32 UNKNOWN SPEAKER: Vice-chairman Francis?

33  
34 MEMBER FRANCIS: Aye.

35  
36 UNKNOWN SPEAKER: Mr. Chairman?

37  
38 CHAIRMAN MAMMINA: Aye. Application is  
39 granted.

40  
41 MS. TSOUKALAS CURTO: Thank you. Thank  
42 you for your time. Thank you very much.

43  
44 MEMBER GOODSSELL: You're welcome.

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1 APPEAL #21200

2  
3 MS. ALGIOS: We have one other thing  
4 before we let our court reporter go. So at the  
5 last meeting, the board had voted on the Mandel  
6 Application. There were additional variances  
7 (inaudible) --

8  
9 CHAIRMAN MAMMINA: Got it.

10  
11 MS. ALGIOS: You know what, let me just  
12 read it into the record.

13  
14 UNKNOWN SPEAKER: All right.  
15 Mr. Chairman, Appeal Number 21200 Mandel Wilson  
16 Dermatology, PLLC, 4547 Northern Boulevard in  
17 Greenvale, Section 20, Block 29, Lot 6728,  
18 Business-B District. Variances from 71A, 71B, 71F  
19 to instruct interior alterations, conversion of a  
20 dental space to a medical dermatology office with  
21 no loading zone, not enough parking onsite and  
22 parking Stall spaces that are too small.

23  
24 MS. ALGIOS: If somebody could just make  
25 a motion to resin.

26  
27 MEMBER DONATELLI: Mr. Chairman, I make  
28 a motion that we resin the vote. My understanding  
29 is that there was no determination, there was  
30 decision by Nassau County at the time of the vote  
31 so I think the vote was premature in their vote.  
32 So I make a motion that resin our prior vote.

33  
34 CHAIRMAN MAMMINA: Okay. Do we have a  
35 motion?

36  
37 MEMBER GOODSSELL: Second.

38  
39 UNKNOWN SPEAKER: Member Goodsell?

40  
41 MEMBER GOODSSELL: Aye.

42  
43 UNKNOWN SPEAKER: Member Donatelli?

44  
45 MEMBER DONATELLI: Aye.

46  
47 UNKNOWN SPEAKER: Member Hernandez?

48

1 APPEAL #21200  
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3 MEMBER HERNANDEZ: Aye.  
4  
5 UNKNOWN SPEAKER: Vice-Chairman Francis?  
6  
7 MEMBER FRANCIS: Aye.  
8  
9 UNKNOWN SPEAKER: Mr. Chairman?  
10  
11 CHAIRMAN MAMMINA: Aye. So that vote is  
12 rescinded.  
13  
14 MS. ALGIOS: Now the board can take a  
15 new vote on the item they read into the record.  
16  
17 MEMBER DONATELLI: Certainly. So I make  
18 a motion that we grant the application.  
19  
20 CHAIRMAN MAMMINA: We have a motion by  
21 Member Donatelli.  
22  
23 MEMBER GOODSSELL: I will second it.  
24  
25 CHAIRMAN MAMMINA: Seconded by Member  
26 Goodsell. Please poll the board.  
27  
28 UNKNOWN SPEAKER: Member Goodsell?  
29  
30 MEMBER GOODSSELL:Aye.  
31  
32 UNKNOWN SPEAKER: Member Donatelli?  
33  
34 MEMBER DONATELLI: Aye.  
35  
36 UNKNOWN SPEAKER: Member Hernandez?  
37  
38 MEMBER HERNANDEZ: Aye.  
39  
40 Vice-chairman Francis?  
41  
42 MEMBER FRANCIS: Aye.  
43  
44 UNKNOWN SPEAKER: Mr. Chairman?  
45  
46 CHAIRMAN MAMMINA: Aye. The application  
47 is granted.  
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C E R T I F I C A T E

I, NICOLE L. BASILE, do hereby certify that  
the within transcript is a true, accurate and  
complete transcript of the proceedings which  
took place in the above matter.

*Nicole L. Basile*

NICOLE L. BASILE