

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

Wednesday, April 27, 2022
10:04 A.M.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

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

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2 CHAIR MAMMINA: If everyone would
3 please rise and join Mr. Francis in the Pledge of
4 Allegiance.

5 (Pledge of Allegiance.)
6

7 CHAIR MAMMINA: Okay. Good morning,
8 ladies and gentlemen.

9 What I'd like to do is just take a
10 couple of minutes to go through the way that we
11 conduct business here in the Town of North
12 Hempstead.

13 In case you have never appeared before
14 a zoning board before or you may have appeared
15 before zoning boards and we may do something a
16 little bit differently, what I will say is if
17 you've never appeared before a zoning board before,
18 we don't bite. You know, our goal is not to tell
19 you no, our goal is to try to figure out some way
20 that something, you know, can work for you.
21 Sometimes we can do that, sometimes we can't. But,
22 you know, just talk to us as if you're sitting at
23 your kitchen table, having a cup of coffee.

24 So the way that -- the way that this
25 works is as each case, you know, is called by
26 Ms. Wagner, we will ask for the Applicant, the
27 person whose Application it is, to stand up and
28 come forward to the podium. I will ask if there's
29 anyone sitting in the room who has any interest in
30 the Application, and you'll just put your hand up
31 and just so that the Board knows that there is
32 someone else who wishes to speak.

33 If you are here regarding an
34 application, you don't have to speak. Sometimes --
35 many times, people come just so they can hear it --
36 you know, hear what the Board has to say, hear what
37 the Applicant has to say and -- you know, and then
38 they're satisfied. Other times, they're not
39 satisfied. So then when this happens, we'll ask
40 the applicant to have a seat. And then the person
41 who wishes to speak either in support or in
42 opposition to the application will come on up, they
43 will give their name and address as well, exactly
44 the same way that the --
45

46 MS. ALGIOS: (Indecipherable.)
47

48 CHAIR MAMMINA: Yes, thank you.

1 The exact same way that the -- that
2 the applicant will. The applicant -- the applicant
3 may take whatever time they feel they need to take
4 in order to put their full record on -- you know,
5 put their full testimony on the record. This is a
6 quasi-judicial proceeding; and, you know,
7 therefore, they are permitted that entire time.

8 Anyone who wishes to speak in support
9 or in opposition gets three minutes, and that is a
10 very common -- it's not a rule, per se, but, you
11 know, it is common in most municipalities. We're
12 not going to cut you short, necessarily, at exactly
13 three minutes, but, you know, we'd like to contain,
14 you know, the hearing.

15 If there are multiple people that wish
16 to speak and someone has exactly the same points,
17 you know, as somebody else, just stand up, come on
18 up, you know, give your name and address and say, I
19 agree with what the previous speaker said; I agree
20 with what the previous speaker said, but I'd like
21 to add this to it. It's not necessary to put
22 everything back on the record again. It doesn't
23 work that way.

24 If there are 50 people who stand up
25 and say we love this and 50 people who stand up and
26 say we hate this, it doesn't give it any more
27 strength, you know, in court. A judge looks at it
28 on the basis of what the presentation was and what
29 they're asking for and how the Board responded to
30 it. They will read what has been put on the board
31 by -- by neighbors or other interested parties.

32 So what will happen is after the
33 applicant has made their presentation and if anyone
34 wishes to speak, they will then have the
35 opportunity to speak. If no one wishes to speak,
36 the Board will then do one of four things: We will
37 either approve the application; we will deny the
38 application; we will reserve the application -- and
39 I'll explain what this means -- or we will continue
40 the Application.

41 If we reserve an application, that
42 means that the testimony that was given by the
43 applicant is adequate for the Board and there is
44 nothing else that we're looking for from the
45 applicant. If we continue an application, it's
46 because the applicant may be given the opportunity
47 to submit another document, you know, whether it be
48 a deed or an old certificate of occupancy, you

1 know, and anything. The Board may want to see a
2 Building Department application, so that would then
3 be continued. You don't have to come back under
4 either circumstance. You're certainly welcome to
5 come back. Okay.

6 The New York State Sunshine Laws say
7 that we deliberate in person so that anybody can
8 hear what the deliberation is. You can tune in on
9 the -- on the Town channel, and you'll be able to
10 hear our deliberation. We try to be very, very
11 thorough, you know, with that. At the deliberation
12 portion of the hearing, there is no public comment
13 at that time. It is strictly the Board conversing,
14 you know, about what they think regarding the
15 application.

16 So I think with all of that said, that
17 covers it. I did make just a request that, you
18 know, that we -- we turn our cell phones off and,
19 you know, our computers or anything that makes
20 noise. If there's anybody who is coming in who is
21 not here yet, ask them the same thing, please. And
22 we -- we just ask that -- that talking be kept to
23 zero.

24 If anybody has anything that they'd
25 like to discuss, again, you can walk right out into
26 the lobby, you know, it's okay. You know, and
27 that's fine if someone else is testifying, you
28 know, come up nice and quiet. We go outside and
29 you can talk.

30 So with all of that said, do we have
31 any modifications to this morning's calendar?
32

33 MS. WAGNER: Yes, Chairman. We have
34 an adjournment. Appeal No. 21212; Marco Barrera.
35 24 Fairview Avenue, Port Washington, Section 6,
36 Block 10, Lot 876; in Residence-C Zoning District.

37 Variances from 70-50.B to construct
38 additions and a portico to an existing home that
39 would be too close to the street.

40 That's adjourned on the record until
41 May 25th.

42 We are moving Appeal No. 21213,
43 Michael Angel, 4 Ridge Drive, Port Washington,
44 Section 6, Block 33, Lot 150 in the Residence-A
45 Zoning District to the bottom of the residential
46 calendar.

47 We have an adjournment of Application
48 No. 21214, Steven Rhine, 207 Forest Street, Roslyn

1 Heights, Section 7, Block 41, Lot 27 in the
2 Residence B Zoning District.

3 Variances from 70-102.5(a) and
4 70-100.2(i) to construct a new in-ground pool
5 located too close to the rear and the side property
6 lines and pool equipment located in the side yard
7 that is being adjourned until May 11th.

8 We also have an adjournment of Appeal
9 No. 21217, Jeremy Lu, 11 Pilgrim Street, New Hyde
10 Park, Section 8, Block 328, Lot 13 in the
11 Residence-C Zoning District.

12 Variances from 70-100.2.A(2) and
13 70-100.2(H) to construct fencing in a front yard
14 and to locate two air conditioning units too close
15 to the side property line. That is being adjourned
16 until May 11th.

17 And we have an adjournment request for
18 Appeal No. 21219, Shapali, Inc., d/b/a North Star
19 Market, 600 Hillside Avenue, New Hyde Park, Section
20 8, Block 9, Lot 1 in the Business-A Zoning
21 District.

22 Conditional use 70-126.F to convert a
23 vacant commercial space to a grocery store (a
24 conditional use). And that's adjourned until May
25 25th.

26 I believe the Board has agreed to
27 adjourn that.

28
29 CHAIR MAMMINA: Yes, we have. We had
30 voted via email ahead of time so that the applicant
31 and their client did not have to appear this
32 morning to request that adjournment.

33 So anything that is adjourned --

34
35 MS. ALGIOS: Chairman, I'll just
36 interrupt by saying there was no -- there was no
37 vote. It was just a consent.

38
39 CHAIR MAMMINA: Thank you. That's why
40 we have such a wonderful attorney. I'm the
41 architect on the Board. I get the difference
42 between consent and vote, so I learned something
43 this morning. So it's a good day for me.

44 So anyone who is here for any of those
45 cases that are adjourned, they will not be heard
46 today.

47 If anyone is here for Appeal 21213,
48 Michael Angel, that will be heard at the end of the

1 calendar, so we're shifting that around a little
2 bit. Of course, if you would like to stay for a
3 little bit, and, you know, hear the way we do
4 things, you know, you're welcome to do that.
5 So with all of that said, Ms. Wagner,
6 can you please call the first case.
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APPEAL # 21184

1
2 MS. WAGNER: Appeal #21184, Benjamin
3 Borgognone, 204 Mill Spring Road, Manhasset,
4 Section 3, Block 222, Lot 1 in the Residence-A
5 Zoning District.

6 Variances from 70-29(B), 70-30.B to
7 construct additions that are too big and to convert
8 a portico that is too close to the street.
9

10 CHAIR MAMMINA: You've heard #21184,
11 Benjamin Borgognone.

12 Is there anyone in the room who is
13 interested in the application?

14 (No response.)
15

16 CHAIR MAMMINA: Not seeing anyone,
17 please give your name and address.
18

19 MR. HOFFMAN: Good morning,
20 Mr. Chairman and Members of the Board.

21 Mr. Chairman, I want to compliment you
22 on your introduction. It's one of the clearest and
23 most forthcoming that I've been. My name is Neal
24 Hoffman, Hoffman Grayson Architects. I've been
25 before a number of boards in my 40 years of
26 experience.
27

28 CHAIR MAMMINA: Thank you, Neil.

29 The only thing is, when I read the
30 transcript and you realize all the "ums" that you
31 say. It always embarrasses me.
32

33 MR. HOFFMAN: I appreciate the clarity
34 of it and the honesty of it.

35 Again, my name is Neal Hoffman from
36 Hoffman Grayson Architects from Huntington, New
37 York, and we're representing Ben and Barbara
38 Borgognone, the owners of the existing residence at
39 204 Mill Spring Road.

40 Ben and Barbara lived in this house
41 for 28 years, they raised their family there.
42 Benny is a local business person and has always
43 been supportive of the community. I'm sure you've
44 been greeted by him and his bakery down the street.
45 He's here today in his usual suit.
46

47 MEMBER DONATELLI: Good morning.
48 (indecipherable.)

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1
2 MR. HOFFMAN: In 2003, the owners were
3 granted a relief of Section 70-29(b) from the
4 zoning code described as allowable floor area ratio
5 in the RA zone as 36 percent. The additional
6 bedroom spaces necessary for their growing family
7 constructed over the one-story garage and porches
8 increased the FAR to 48 percent. That was granted,
9 I guess as I said, in 2003.

10 The homeowners have expressed that the
11 current foyer provides insufficient space for their
12 family's use before it was interrupted by the stair
13 and narrow -- where it narrows to a 3-foot wide
14 hallway. You see that there.

15 So the proposal is to -- to extend
16 that foyer out two and a half feet underneath the
17 existing portico to add some space to that foyer.
18 I think -- just a little bit of housecleaning: I
19 believe the application calls that's that says that
20 the additional FAR is 104 square feet. I believe
21 it was doubled twice because the actual footprint
22 is only 26 square feet, and if you double it
23 because of the double height, it's 52 square feet
24 and not 104. So the actual increase in the FAR is
25 less than half of one percent. It's less than --
26 the overall is less than 49 percent. We had it
27 figured at 48.4 at 104 square feet. It was rounded
28 up to 49 percent, but it really is basically half
29 of 1 percent, at most. And it is otherwise
30 conforming with the zoning code and does not
31 encroach on the 30-foot front yard setback.

32 Other exterior improvements include
33 replacing windows and adding details to the
34 existing brickwork. The house is all brick and
35 adding some details to the corners and to bring out
36 the best of the standard brick details, some coins
37 on the corners that help soften the all-brick
38 facade.

39 We're also replacing this part of --
40 you see on the existing conditions, all brick, all
41 paved driveway and walkway. We're going to be
42 doing away with this -- this is not -- this is not
43 part of the (indecipherable) this is part of
44 explaining what we're doing. We're removing this
45 portion of the paved area in front of the house and
46 creating a nicer blue stone walkway that will be
47 nicely buffered with deciduous and evergreen
48 shrubbery, and it will also help to soften the

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1 whole look of the house.

2 The -- as I said, the extension is
3 beneath the existing portico, which is this
4 (indicating), so it doesn't encroach any further.
5 We are going to extend laterally the existing porch
6 across the front of the house. You can see this
7 thing here, and, again, that does not -- that
8 doesn't project any further out than the existing
9 porch does already.

10

11 CHAIR MAMMINA: So what we're -- what
12 we're proposing in here is that the extended foyer
13 from a single door will become a double door, will
14 align with -- in front elevation, the bay window
15 that's -- that's there will travel across to the
16 right approximately ten feet to a line with the
17 columns and then we'll return.

18

19 MR. HOFFMAN: It actually doesn't
20 align with the bay.

21

22 CHAIR MAMMINA: No, no with the --
23 with the rear portion of the bay.

24

25 MR. HOFFMAN: That's correct.

26

27 CHAIR MAMMINA: Right. The rear
28 portion.

29

30 MR. HOFFMAN: That's correct.

31

32 CHAIR MAMMINA: It would look very
33 odd.

34

35 MR. HOFFMAN: So that is really the

36

37 extent.
38 We do have a letter from the neighbor
39 directly across the street supporting the
40 application. May I submit that?

41

42 MS. WAGNER: You may. This will be
43 Exhibit 1.

44

45 MEMBER DONATELLI: May I just ask a
46 question?

47

48 MR. HOFFMAN: Absolutely.

49

MEMBER DONATELLI: Can you just -- you

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1 briefly touched on it. The existing foyer, I
2 understand it's being expanded. Can you tell us
3 why the foyer as it currently exists is not
4 satisfactory, it doesn't work.

5
6 MR. HOFFMAN: Mr. Borgognone has a
7 large family himself and entertains a lot of folks
8 and they wind up coming through the foyer
9 (indecipherable) this is the staircase
10 (indecipherable.)

11
12 MS. WAGNER: Sir, could I just ask
13 that you speak into the microphone, the
14 stenographer is remote.

15
16 MR. HOFFMAN: I'm a low speaker, so
17 it's okay.

18 The existing foyer is small. The
19 distance -- when the doors are open especially, it
20 leaves only five feet to the staircase. So in a
21 house of this size, the extra square footage, two
22 and a half square feet will add a little more space
23 to that foyer. That's all.

24
25 MEMBER DONATELLI: It's two and a half
26 feet further toward the street.

27
28 MR. HOFFMAN: That's correct. But
29 still underneath the existing portico and
30 doesn't -- as the Chairman noted, it aligns with
31 the house before -- before the dining room bay.

32
33 MEMBER DONATELLI: And I would just
34 address one other thing in -- not to correct you,
35 but because it is two-story, the town according to
36 its only code.

37
38 MR. HOFFMAN: Yes.

39
40 MEMBER DONATELLI: It did calculate
41 the 104 square feet correctly, because while you
42 were changing the footprint --

43
44 MR. HOFFMAN: Right.

45
46 MEMBER DONATELLI: -- only the extent
47 of half that the way they calculate it is double
48 the height because it is --

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1 MR. HOFFMAN: I get it, I understand
2 it, Mr. Donatelli.

3 That's why -- maybe I'm
4 misunderstanding, but I just did the calculations
5 downstairs while I'm waiting, and I'm looking at it
6 again, and it's two and a half feet deep and ten
7 feet wide. That's 25 square feet times 2 is 50 --
8 52. So somewhere along the line, the 52 got
9 doubled.

10
11 CHAIR MAMMINA: Okay.

12
13 MR. HOFFMAN: Because I was looking at
14 it myself. How did we add 104 square feet to this?
15 And one of my staff said it's double height, and I
16 was looking at it again and I was like, we're still
17 25 square feet, is there more area someplace, and
18 there isn't.

19
20 CHAIR MAMMINA: All right. So I think
21 what we might like you to -- I'm satisfied with
22 that answer. And I'm the king of improper math
23 calculations. People say to me, don't you have to
24 be good at math to be an architect? I said, no, I
25 have engineers to do that.

26 But we, as you know, we seldom grant
27 floor area increases. And every case stands on its
28 own, and, you know, I can see how this case, you
29 know, could be made to stand on its own. And
30 without putting you on the spot, would you be able
31 to make the five points of law required for an area
32 variance --

33
34 MR. HOFFMAN: Absolutely.

35
36 CHAIR MAMMINA: -- in order that we
37 have that the record.

38
39 MR. HOFFMAN: Absolutely.

40
41 CHAIR MAMMINA: And we can ask any
42 other questions regarding that so that we can have
43 a clear differentiation.

44
45 MR. HOFFMAN: Right. As I said, I
46 think -- I think the addition is quite the minimus,
47 especially since the Board has already granted a
48 variance for the FAR. And this adds the minimus to

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1 that.

2 I think the fact that it's been here
3 for 20 some-odd years, almost 20 years that it's
4 proven and that it hasn't had a negative effect on
5 the environment for the community. Okay.

6 Is it a -- is it a self-created
7 hardship? I suppose it is. But that's the nature
8 of this -- the house. That's three.

9
10 CHAIR MAMMINA: That's two.

11 MR. HOFFMAN: Two points.

12
13 MEMBER DONATELLI: Will an undesirable
14 change be produced in the character of the
15 neighborhood?

16
17 MR. HOFFMAN: I think, as I mentioned,
18 this has been here. The largest part of FAR
19 increase has been there for 20-some odd -- almost
20 20 years, and it hasn't had a negative effect on
21 the community.

22 We have a letter from one of the
23 neighbors, the neighbor directly across the street,
24 supporting the application. So there are people
25 that are purchasing houses all around the house,
26 directly across the street on Chapel Road is doing
27 a major alteration to his house and wouldn't be
28 investing in the community if this had created a
29 negative effect.

30
31 MEMBER GOODSELL: And Mr. Hoffman, the
32 last point, would the benefit sought by the
33 applicant be achieved in some other way?

34
35 MR. HOFFMAN: Not without this
36 minor -- I don't believe it can be without this
37 minor variance. And I guess to create a bigger
38 foyer, one could rebuild the entire staircase
39 maybe. But this is certainly the minimal amount of
40 space.

41 I think the -- I think the Zoning
42 Board wants us to also do the minimal amount of
43 work, provide the minimal amount of variance. And
44 my testimony is saying that, actually, they're only
45 requiring half of what we come here for. I think
46 it shows that we're really producing minimal
47 variance required.

48

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1 CHAIR MAMMINA: There's also --
2 there's also the part of the denial that says to
3 construct additions that are too big and to convert
4 a portico.

5
6 MR. HOFFMAN: Right.

7
8 CHAIR MAMMINA: That is too close to
9 the street. So is the actual portico portion of
10 the roof coming any further or when the Building
11 Department is talking about the portico?

12
13 MR. HOFFMAN: That's existing.

14
15 CHAIR MAMMINA: You're talking about
16 the entire two-story form?

17
18 MR. HOFFMAN: Yes.

19
20 MS. WAGNER: I think we're talking
21 about the extended -- the extended porch; is that
22 correct?

23
24 MR. HOFFMAN: Well, this is --

25
26 MS. WAGNER: Does that clarify --

27
28 MR. HOFFMAN: The portion of the
29 portico that the vestibule -- the foyer is being
30 built under is existing, you can see in this.

31
32 CHAIR MAMMINA: I read the drawing.
33 But the Building Department is usually right.

34
35 MR. HOFFMAN: This extension -- they
36 may be talking about the --

37
38 MS. WAGNER: The portico roof has a
39 27-foot eave.

40
41 MR. HOFFMAN: It's not the porch, the
42 eave. That's correct.

43
44 CHAIR MAMMINA: It's the eave.

45
46 MR. HOFFMAN: It's this extra column.
47 You see the three columns, adding these extra
48 columns to -- to continue that porch. It's not

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1 adding -- we're not adding a porch to that.

2

3 CHAIR MAMMINA: Okay. So it's a
4 matter of -- it's a matter of language. I see it
5 on the -- on the second floor plan.

6

7 MEMBER DONATELLI: So then the other
8 question and perhaps you should address is the
9 secondary front yard setback, which is point number
10 two on the Notice of Disapproval.

11

12 MR. HOFFMAN: Well, the side yard is
13 existing. You have to put a capital project and
14 (indecipherable.)

15

16 MS. WAGNER: I think you're talking
17 about the 27-foot setback to this extended porch.

18

19 MR. HOFFMAN: There's no -- there's an
20 extended porch (indecipherable).

21

(Inaudible sidebar conversation.)

22

23 MS. WAGNER: And once again, you need
24 to make sure --

25

26 MR. VERDONE: Brian Verdone with
27 Hoffman Grayson Architects.

28

29 CHAIR MAMMINA: Can you give your
30 address please?

31

32 MR. VERDONE: 90 High Street,
33 Huntington.

34

35 CHAIR MAMMINA: And a little slower on
36 your name because the stenographer --

37

38 MR. VERDONE: Brian Verdone. Sorry
39 about that.

40

41 CHAIR MAMMINA: Okay. Thanks.

42

43 MR. VERDONE: The 27.8 is the setback
44 to the extended portico roof. The existing portico
45 roof scaled, although we did provide it on these
46 exhibits is actually more nonconforming than what
47 we're proposing. So we're not proposing to come
48 any further than what the existing roof is at.

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1
2 MR. HOFFMAN: We're not extending --
3 this is not a porch, this area here is not a porch
4 (indecipherable). This is not an extended porch
5 here; this is --

6
7 CHAIR MAMMINA: We can be off the
8 record on this until Ms. Wagner is ready.

9
10 MS. WAGNER: But the disapproval is
11 for a setback to this here?

12
13 MR. HOFFMAN: Yes.

14
15 MR. VERDONE: Correct.

16
17 MS. WAGNER: So you are requiring a
18 variance from this setback to that spot?

19 MR. VERDONE: Correct.

20
21 MR. HOFFMAN: That porch.

22
23 MR. VERDONE: Yes, the porch is within
24 the zoning code.

25
26 CHAIR MAMMINA: Well, it's -- well,
27 the porch allows -- the code allows an extension of
28 a porch into the setback.

29
30 MS. WAGNER: You're requiring the
31 variance for that under --

32
33 CHAIR MAMMINA: Under 70-30(B.)

34
35 MS. WAGNER: Under 30(B) for the
36 extended portico roof encroaching in the setback.

37 MR. VERDONE: Yes, the roof.

38
39 MS. WAGNER: The roof, exactly. We
40 just need you to address that variance.

41
42 MR. HOFFMAN: Well, the roof is an
43 extension of the -- as I mentioned, an extension of
44 the existing portico to beautify the front of the
45 house. This portion of the -- this is the living
46 room and bedroom, that extra piece of a porch to
47 help unify the front. Again, to soften the
48 all-brick facade and add some trim to the existing

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1 facade.
2 That does not add FAR though.
3
4 MEMBER GOODSELL: Mr. Hoffman, I'm
5 just looking at both diagrams. And on the bottom
6 there are two lights on posts entering the
7 driveway, they don't seem to be on the top. Is
8 that just an omission in the drawing, or are those
9 two lights coming out?
10
11 MR. HOFFMAN: I believe they're
12 staying.
13
14 MEMBER GOODSELL: I just want to
15 clarify that. They just don't appear in the top
16 diagram.
17
18 MR. HOFFMAN: This is another view
19 from the corner.
20
21 CHAIR MAMMINA: You can see it in the
22 photograph. Look at the top of the -- the bottom
23 of the eave projects.
24
25 MEMBER DONATELLI: Right.
26
27 CHAIR MAMMINA: And then --
28
29 MR. HOFFMAN: You can see the
30 difference in the house -- was added to the house
31 and without details or we're adding a lot of
32 detailing to the brick and the portico helps add
33 some detail to it as well.
34 (Sidebar conversation.)
35
36 CHAIR MAMMINA: I don't either.
37
38 MEMBER DONATELLI: Do you have any
39 objection on this?
40
41 MEMBER GOODSELL: No objection to
42 this.
43
44 VICE CHAIR FRANCIS: I would hate to
45 see this continued in terms (indecipherable.)
46
47 MEMBER DONATELLI: How do we
48 distinguish this?

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1
2 CHAIR MAMMINA: I think it's the
3 minimus.
4
5 MEMBER DONATELLI: Yeah. I would
6 say --
7
8 CHAIR MAMMINA: I mean, it's basically
9 squaring off two and a half feet by, you know, ten
10 feet, you know, of that and then carrying the eave
11 line.
12
13 MEMBER DONATELLI: Yeah.
14
15 CHAIR MAMMINA: And the porch portion
16 which is at grade across.
17
18 MEMBER DONATELLI: Okay. You guys are
19 okay with this?
20
21 MEMBER GOODSELL: Yeah.
22
23 MEMBER DONATELLI: All right.
24 Mr. Chairman, I have actually driven by the
25 property. I've also really done what I think is a
26 fairly in-depth analysis of this. While I did have
27 some skepticism at the beginning, I've really come
28 to understand what it is that the applicant is
29 trying to achieve.
30 While I -- and I think the Board knows
31 this, that I'm very concerned about this, the
32 incrementalism that we sometimes find ourselves
33 presented with. I think in this limited instance,
34 the request that is being made of the variance is
35 the minimus, I would agree with the applicant on
36 that point.
37 And I actually think that having the
38 front door and the portico constructed the way it's
39 now being presented actually makes the house more
40 usable, makes the foyer more usable and --
41
42 MEMBER GOODSELL: Makes the facade
43 more pleasing.
44
45 MEMBER DONATELLI: While we're not an
46 aesthetic Board, I would agree that it does make
47 the facade more pleasing. There is really no other
48 way to achieve what the applicant is seeking to do,

APPEAL # 21184

1 which is to make the foyer more usable.

2 So, therefore, I make a motion that we
3 grant the application.

4
5 CHAIR MAMMINA: Okay. We have a
6 motion. Do we have a second?

7
8 VICE CHAIR FRANCIS: Seconded.

9
10 CHAIR MAMMINA: Seconded by Vice
11 Chairman Francis.

12
13 Please poll the Board.

14
15 MS. WAGNER: Member Goodsell.

16
17 MEMBER GOODSSELL: Aye.

18
19 MS. WAGNER: Member Donatelli.

20
21 MEMBER DONATELLI: Aye.

22
23 MS. WAGNER: Vice Chairman Francis.

24
25 VICE CHAIR FRANCIS: Aye.

26
27 MS. WAGNER: Chairman Mammina.

28
29 CHAIR MAMMINA: Before I say "aye," I
30 want to reemphasize the point that was made in the
31 motion. And something that the Vice Chairman had
32 said to me, we're very careful about scope creep
33 when we see a floor area application. And quite
34 honestly, very few floor area applications get
35 approved.

36 But I do think, you know, that in this
37 instance, it is so small, you know, and driving
38 down the street, you're not going to see, you know,
39 that little piece added onto it. You know, if
40 anything, the eave would be more prominent, but it
41 is all opened. You are permitted an 18-inch
42 extension of an eave on a as-of-right basis. I
43 don't know how it works that we were already given
44 a gross floor area variance.

45 But, you know, again, supporting
46 Mr. Donatelli's statement, this is not an aesthetic
47 Board. While I'll say okay, and this -- I
48 certainly do agree with what Mrs. Goodsell said.

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1 So for that reason, then, I will also
2 vote "aye" for the application. And you've got the
3 perfect time of the year to start.
4

5 MR. HOFFMAN: Thank you very much,
6 Mr. Chairman, Members. And I appreciate it.
7

8 CHAIR MAMMINA: Thank you all. And
9 off the record.

10 (Whereupon, an off-the-record
11 discussion was held.)
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APPEAL # 21211

1 MS. WAGNER: Next Appeal, #21211,
2 Sarah Castro, 16 Beacon Drive, Port Washington,
3 Section 5, Block 144, Lot 11 in the Residence-A
4 Zoning District.

5 Variances from 70-100.2(G),
6 70-100.1(A) and 70-102.C(1) to locate a shed,
7 swimming pool, pool equipment, pavilion, fire pit
8 and outdoor barbecue in a secondary front yard.
9

10 CHAIR MAMMINA: You've heard Appeal
11 21211, Sarah Castro.

12 Is there anyone in the room interested
13 in the application other than the applicant?

14 (No response.)
15

16 CHAIR MAMMINA: Seeing no one, please
17 give your name and address.
18

19 MR. RANT: Michael Rant, North Coast
20 Civil, 39 West Main Street, Oyster Bay, New York
21 11071.

22 Good morning, Mr. Chairman and Members
23 of the Board. We're here this morning representing
24 the owners of 16 Beacon Drive, and we are seeking
25 approval to construct a pool, patio and accessory
26 improvements in what would be considered, on this
27 property, the rear yard.

28 This is a unique lot, the front -- the
29 front on Beacon Drive, that's the front of the
30 home. That's where the driveway is. And the rear
31 of the house walks out onto a secondary street,
32 which is Beacon Hill Drive or Roslyn West Shore
33 Drive and which is the reason why we're here this
34 evening.

35 All the improvements, if this were a
36 rear yard, would be fully compliant with the height
37 of the structures, the setbacks, the coverage are
38 all fully zoning compliant. Again, the only reason
39 we're here is because this is considered a
40 secondary front.

41 I do have consent forms, and we did
42 email them to the Town, and I can submit copies
43 along with an aerial map. We got consent letters
44 from all of the adjoining owners. I can submit
45 those as part of the record.
46

47 MS. WAGNER: This will be Exhibit 1.
48

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1 MR. RANT: I think, again, based on
2 the unique shape of the lot, that it does have two
3 front yards, there really is no other location that
4 these accessory structures could be constructed.
5 We have adhered to all other zoning
6 requirements regarding coverage setbacks, height.
7 We feel that the -- again, the variance is not
8 self-created because this is an existing lot that
9 was created many years ago, and the variances that
10 we're proposing are the minimus in nature, will not
11 have an adverse impact to the surrounding
12 properties. And that concludes my application.
13 If the Board has any questions, I
14 would be happy to answer them.

15
16 MEMBER DONATELLI: I do have a
17 question. Are your plans showing fencing around
18 the pool?

19
20 MR. RANT: Yes, there's a six foot --
21 there's an existing six-foot fence on the rear of
22 the property, and that was issued as part of a
23 permit about two years ago to reconstruct the
24 retaining walls. And then flanking the sides, a
25 six-foot fence, again in accordance with the town
26 standards, and then closing out at the rear of the
27 property at the rear of the home.

28
29 CHAIR MAMMINA: The ordinance for a
30 pool also requires that there should be no corner
31 of the house, where if you were to walk out, you
32 would potentially have a child or something within
33 that area. So essentially it has to -- the
34 ordinance says it has to align with the rear line
35 of the house. And that's a life safety issue. I
36 don't see that on here, and I guess the gas main
37 line has a very similar.

38
39 MR. RANT: It does cross the
40 extensions at the rear, so on the west side,
41 there's an extension of the fence; and on the east
42 side, there's an extension with the gate as well.

43
44 CHAIR MAMMINA: I guess it's
45 technically correct. But I guess you're
46 technically correct, but I'm just not sure if the
47 intent of the zoning.
48

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1 MS. WAGNER: (Indecipherable.)
2
3 CHAIR MAMMINA: Right, here because --
4
5 MS. WAGNER: (Indecipherable.)
6
7 CHAIR MAMMINA: My feeling is it
8 really should be there.
9
10 MS. WAGNER: (Indecipherable.)
11
12 CHAIR MAMMINA: I know. It's very
13 odd, right? It's very hard, so technically it
14 complies.
15
16 MS. WAGNER: If that is the longer
17 side (indecipherable.)
18
19 CHAIR MAMMINA: Here it defeats --
20
21 MEMBER GOODSELL: Mr. Rant, if I can
22 ask you a question, when I looked at this property,
23 is it correct to say that the property is not
24 completely flat, that there is a slope to it?
25
26 MR. RANT: Correct. The property
27 slopes from the south, which is the rear property,
28 towards the home and then continues to slope
29 towards the front in Beacon Drive. So there's
30 about -- from the back of the property to the
31 front -- about a 16-foot grade change throughout
32 the property.
33 So we've -- we've worked with the
34 grade in the backyard by terracing as you walk out
35 the rear of the home. There will be a flat patio
36 on grade and then steps up to the pool area.
37 Again, trying to minimize the amount of the site
38 work necessary.
39
40 MEMBER DONATELLI: So I'm sorry, the
41 pool will be higher than the patio?
42
43 MR. RANT: Correct. Than the lower
44 patio at the back of the house.
45 I see the -- I see the -- because of
46 the jogs, I think that's not fully understanding
47 what the rear of the home is. We look at this
48 again. It's up to the --

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1
2 CHAIR MAMMINA: I will say, having
3 read the transcript of the Town Board meeting when
4 this ordinance was brought into effect several
5 decades ago, I don't feel this -- this really
6 complies with what their intent is. But as an
7 architect, I live and die by building codes and
8 zoning codes. And, you know, that is the back of
9 the house. And, you know, so it does comply. It
10 was not cited by the -- by the Building Department.

11 And the only thing that I would --
12 strictly a suggestion to the applicant is we have
13 seen many new devices to attempt to make a swimming
14 pool childproof, you know, because -- I'm sure --
15 the applicant appears to be a young couple, and you
16 have friends over. Maybe he's not young, I don't
17 know. I'm 69 years old, people say I don't look 69
18 years old, so I hug them when they say that.

19 But the intent is that a child not be
20 able to be hidden, you know, back there after
21 everybody gets called in for dinner or whatever.
22 So it does comply, and they're just -- there is
23 some terrific pieces of equipment now that will
24 help to sense if someone is in the pool, or you
25 know, whatever. So I mean -- you know, just a
26 thought.

27
28 MR. RANT: And we'll provide which is
29 cut sheets for anti-fall devices within the water
30 that would set off alarm when the pool is not in
31 use. Obviously, the rear of the home would be
32 equipped with alarms on all the doors. The new
33 requirement for windows is they can only open four
34 inches to not allow for -- so all of those measures
35 would be put into place to ensure that it's fully
36 safe and compliant.

37
38 CHAIR MAMMINA: So Mr. Rant, if Roslyn
39 West Shore drive and I went to see it, but before
40 that I'm very familiar with it, it's a very odd
41 topography. And, you know, Beacon Road is a place
42 I ride my bicycle up and down when I want a really
43 hard workout. Yeah, it's a killer.

44 But if this were not -- a through lot,
45 would the variances that are being sought be
46 satisfied without coming to the Board? Not a trick
47 question.
48

APPEAL # 21211

1 MR. RANT: If this was not a through
2 lot and this was a true rear yard, the plan would
3 be fully zoning compliant.
4

5 CHAIR MAMMINA: Okay.
6

7 MEMBER DONATELLI: Mr. Chairman, I'm
8 just going to add, I'm very familiar with Beacon
9 Drive as well as Roslyn West Shore Road, and I know
10 that this is a through lot, and I know that I can
11 see from the Notice of Disapproval that they're
12 being sited for these amenities really because of
13 the fact that it is a through lot and this
14 otherwise would serve as their backyard.

15 I also note that there is a very tall
16 fence that would block any view from Roslyn West
17 Shore Road to the backyard. So I personally would
18 be one Board member in favor of granting the
19 application.
20

21 CHAIR MAMMINA: So we have a motion.
22

23 MEMBER DONATELLI: I'll make a motion.
24

25 MEMBER GOODSSELL: I'll second the
26 motion.
27

28 CHAIR MAMMINA: We have a second
29 motion by Member Donatelli and a second by Mrs.
30 Goodsell.

31 Please poll the Board.
32

33 MS. WAGNER: Member Goodsell.
34

35 MEMBER GOODSSELL: Aye.
36

37 MS. WAGNER: Member Donatelli.
38

39 MEMBER DONATELLI: Aye.
40

41 MS. WAGNER: Vice Chairman Francis.
42

43 VICE CHAIR FRANCIS: Aye.
44

45 MS. WAGNER: Chairman Mammina.
46

47 CHAIR MAMMINA: Aye.
48

So the application is granted. It

APPEAL # 21211

1 should be lovely.
2
3 MR. RANT: Thank you very much.
4
5 MEMBER GOODSELL: Very lovely is
6 right.
7 MR. RANT: Have a good day.
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APPEAL # 21215

1 MS. WAGNER: Appeal #21215.
2 Juiching Hsu, 29 Ridge Road,
3 Albertson, Section 7, Block 304, Lot 23 in the
4 Residence-A Zoning District.
5 Variance from 70-29.B to construct
6 additions that will make the house too big.
7 CHAIR MAMMINA: You've heard --
8
9 MR. HSU: Good morning.
10
11 CHAIR MAMMINA: You've heard -- let me
12 call it first. You've heard -- wait, wait, wait,
13 I'm sorry, going down to the bottom.
14 You've heard Appeal #21215, Juiching
15 Hsu -- and I'll apologize if I'm pronouncing that
16 incorrectly. Appeal -- no, I already did that.
17 Please give your name and address.
18
19 MR. HSU: You can call me Mike. It
20 will be easier.
21
22 CHAIR MAMMINA: Mike. I like that.
23
24 MR. HSU: Mike Hsu.
25 Good morning. I'm the owner of 29
26 Ridge Road in Albertson with my wife and two
27 daughters.
28 And so I'm here to ask for permits for
29 the construction of addition more than the
30 allowable 36 percent that's allowed. So basically,
31 we've been living this house for more than almost
32 13 years now, and so the kids grew up here. And
33 our plan is to live here for another 20 years until
34 we basically retire.
35 Obviously, as right now, we love the
36 neighborhood, schools, everything. So as of right
37 now, obviously, it's enough for us. But I'm in
38 anticipation for the future. My parents and my
39 in-laws moving in in the near future. So,
40 basically, my dad is 80 and my mom is 77. They
41 live in Queens and my -- my plan is for them to
42 move in with us in the next few years, basically.
43 And then my in-laws, they are much younger but that
44 will be like a ten-year plan for them too. So that
45 is the reason we are asking to renovate and add
46 more space for the house so that will accommodate
47 for everybody.
48 So after the architect did the drawing

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1 and it came out to be just a little bit above the
2 allowable percentage, and so that's why we're stuck
3 in here, and that's why I'm here to ask for
4 permission.

5
6 MEMBER DONATELLI: How many bedrooms
7 do you currently have?

8
9 MR. HSU: Four.

10
11 MEMBER DONATELLI: And how many are
12 you contemplating?

13
14 MR. HSU: One more. So it would be
15 five. So the problem is, you know, even with the
16 kids are moving out, our parents actually live in
17 separate rooms, even though they are married.
18 That's just their tradition.

19
20 MEMBER GOODSELL: Mr. Hsu, I'm
21 familiar with your section of Herricks because I
22 also live in Herricks. And you're not the smallest
23 house in the neighborhood; you're not the biggest
24 house in the neighborhood. What you're asking us
25 seems to be for 273 square feet more than what your
26 lot allows.

27
28 MR. HSU: 200. Yes, roughly.

29
30 MEMBER GOODSELL: Yes. Because the
31 maximum floor area that you're permitted that you
32 could build without coming to us is 3,360 square
33 feet. And according to your plans, the proposed
34 square footage is 3,833 or 273 square feet larger.

35 Is there a way that you can trim
36 something off these plans to come under the 273
37 square feet?

38
39 MR. HSU: Yes. So there are two ways
40 to trim. Basically, the problem is if we trim
41 from -- so this only partially above, this is
42 lateral extension. Obviously, this is going to be
43 partially above the first floor. Not the whole
44 first floor.

45 So if we trim from the back where the
46 patio is, it will look weird from the outside. If
47 we trim from the mid-house, it will look weird from
48 the inside. So that is something that we kind of

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1 talk about. I mean, we can definitely do it, but
2 on the inside you will see, basically, a wall
3 separating the kitchen and the cabinets to the
4 living room, and then there will be kind of like a
5 dip and up.

6
7 MEMBER GOODSSELL: You have a -- you
8 have a corner property; is that correct?

9
10 MR. HSU: Yes, correct.

11
12 MEMBER GOODSSELL: So you kind have two
13 front yards?

14
15 MR. HSU: Yes, exactly.

16
17 MEMBER GOODSSELL: So by trimming
18 something on the back, who is -- who is actually --
19 if you're sitting in the yard, what would you
20 notice if you made the second story just slightly
21 smaller? You said it will look uneven?

22
23 MR. HSU: From the outside.

24
25 MEMBER GOODSSELL: From the outside,
26 correct.

27
28 MR. HSU: Not from the inside, yes.
29 Oh, because -- so as of right now, our kitchen and
30 the indoor patio room, there's -- there's a line
31 aligned with the dining room, so if we do that,
32 that will push the house inside so will not be
33 aligned with the first floor dining room.

34
35 MEMBER GOODSSELL: Mm-hmm.

36
37 MR. HSU: The other way to do it would
38 be on the side yard, which is the same thing. It
39 would from be the outdoor looking through, it will
40 be different.

41
42 MEMBER GOODSSELL: It won't be flat.

43
44 MR. HSU: Yeah, exactly.

45
46 MEMBER GOODSSELL: It will be -- it
47 will be sloped and then up.

48

APPEAL # 21215

1 MR. HSU: Yes.
2
3 MEMBER GOODSSELL: Is that correct?
4
5 MR. HSU: Correct.
6
7 CHAIR MAMMINA: Mr. Hsu, we are not an
8 aesthetic Board. So whether we think something
9 looks beautiful or we don't, you know, that's --
10 that's really not what we're here for.
11
12 MR. HSU: Understood.
13
14 CHAIR MAMMINA: And this is a very big
15 ask. I don't see the five bedrooms in the plans.
16 But whether or not that's the case, I -- I think
17 that we would certainly give you the opportunity to
18 adjourn.
19
20 MR. HSU: Okay.
21
22 CHAIR MAMMINA: So that you can come
23 back with your architect. But I don't think you'll
24 make the five factors that you're required to make
25 in order to get this approved.
26
27 MS. ALGIOS: Chairman, I was going to
28 ask the applicant if he wanted to address the five
29 factors.
30
31 CHAIR MAMMINA: If you're ready to
32 address the five factors.
33
34 MR. HSU: That will be something for
35 the architect, yes.
36
37 CHAIR MAMMINA: The architect. It's
38 not necessary to have an attorney -- or an
39 attorney. But you should prepare your architect,
40 you know, if you're -- if you're going to opt to
41 come back. And, again, as we said in the
42 beginning, we try to be as fair as we can be so
43 we're not looking to deny your application.
44
45 MS. ALGIOS: Chairman, if he would
46 like, he doesn't have to come back. He can just
47 submit something in writing or his architect.
48

APPEAL # 21215

1 CHAIR MAMMINA: Okay. That's fine.

2

3 MR. HSU: Okay. All right. So --

4

5 MEMBER GOODSELL: When we -- when we
6 consider whether we should grant a variance because
7 the house is -- I'll just say in layman's terms --
8 too big, we need to consider five different
9 factors, and your architect will know what they
10 are, the code sets them forth, we need to consider.

11 And the Chairman is correct, when you
12 go over the permitted floor area ratio that much,
13 we need to see some real special circumstances as
14 to why that should be granted. And, unfortunately,
15 Mr. Donatelli is correct, how nice it looks is not
16 one of the factors. Because we could make a very
17 nice-looking building that violates all sorts of
18 codes; so how nice it looks is really not one of
19 them.

20

21 VICE CHAIR FRANCIS: I think what
22 you're hearing is that we really, really try and
23 encourage applicants to put their best foot forward
24 in terms of their application. And I don't think
25 you'll be able to do that without your architect to
26 definitely -- to address the five factors, if
27 nothing else.

28 And at least this way, you put forward
29 a full and complete application, and then we can --
30 we'll deliberate and decide whether or not to grant
31 it or not.

32

33 MR. HSU: Okay. Sure.

34

35 VICE CHAIR FRANCIS: Make sense?

36

37 MR. HSU: Yeah, definitely.

38

39 CHAIR MAMMINA: You may want to give
40 your architect just a couple of hints. You know,
41 please take it as I mean it, but you have an
42 enormous living room, and, you know, in here family
43 room, a breakfast nook, you know, that's just
44 gigantic, you know, and as a little breakfast nook
45 goes. So you may want to just look at scaling all
46 of that back so that you can still have something
47 that's pleasing to you.

48

APPEAL # 21215

1 MR. HSU: Okay.

2

3 CHAIR MAMMINA: And then just the last
4 thing that I will say for the record that -- you
5 know, is that the Town Board makes the rules. We
6 don't make the rules.

7

8 MR. HSU: I understand.

9

10 CHAIR MAMMINA: But the Town Board has
11 made the floor area ratio law more restrictive than
12 it was when it was first instituted in the town
13 zoning.

14

15 MR. HSU: Okay.

16

17 CHAIR MAMMINA: So the message from
18 the Town Board is that they would just like to see
19 houses that are more in context with what existing
20 houses look like, you know, throughout a
21 neighborhood, you know.

22

23 And as you know, as Member Goodsell
24 said, this is isn't the smallest house. It may not
25 be biggest house. But they may have a bigger piece
26 of property, you know. Who knows. You know, it's
27 hard to say. So, again, we want to give you a
28 chance.

28

29 MR. HSU: Okay.

30

31 CHAIR MAMMINA: You know to --

32

33 MR. HSU: Sure.

34

35 CHAIR MAMMINA: So --

36

37 MR. HSU: So I'll be able to just
38 email back, I guess.

39

40 MS. ALGIOS: So let me just say a
41 couple of things.

42

43 So, first of all, the Board would
44 actually like you to come back in person because
45 they would actually like your architect to make a
46 presentation.

46

47 MR. HSU: Okay.

48

APPEAL # 21215

1 MS. ALGIOS: So what we will do is
2 we'll adjourn it to a certain date, which
3 Ms. Wagner will give you now, and that way you
4 don't have to send out your certified mailing. You
5 can just let them know by regular mail.

6
7 MR. HSU: I see.

8
9 MS. ALGIOS: But one other thing I'd
10 like to point out is we've had confusion with
11 applicants on GFA variances where the Board has
12 given them basically another bite of the apple to
13 go back to see if they can reduce it where
14 applicants believe that by reducing it, the Board
15 is going to then approve it.

16 That's not what the Board is doing
17 here. The Board is just saying is, they find this
18 variance to be too substantial. So they're giving
19 you a chance and your architect to reduce it, but
20 it may very well be that when you come back, the
21 Board may ultimately find that even as reduced, the
22 variance is still too large.

23
24 MR. HSU: Understood.

25
26 MS. ALGIOS: Okay. So what they're
27 saying is go back and show them the minimum
28 variance that you would need.

29
30 MR. HSU: Okay.

31
32 MS. ALGIOS: But no guarantee that --

33
34 MR. HSU: Understand, I understand.

35
36 CHAIR MAMMINA: Okay.

37
38 MEMBER GOODSELL: We're going to
39 adjourn. Are we adjourning this?
40 (Sidebar conversation.)

41
42 MS. WAGNER: Okay. So how long do you
43 think it will take you to come back to us?

44
45 MR. HSU: I need time. Should be
46 quick, though.

47
48 MS. WAGNER: We can either adjourn

APPEAL # 21215

1 this until May 25th or to June 8th.

2

3 MR. HSU: May 20 -- May 20 -- yes, the
4 first one will be fine.

5

6 MS. WAGNER: So be prepared to come
7 back.

8

9 MR. HSU: Yeah, that's a month, yeah.

10

11 MEMBER DONATELLI: Do you want to
12 speak to your architect first?

13

14 MR. HSU: Yeah, I'll speak to him
15 today. But a month should be good though.

16

17 MS. WAGNER: Okay. We have to adjourn
18 it on the record; that way it doesn't have to be
19 certified again.

20

21 So we'll adjourn this on the record
22 until May 25th.

23

24 MS. ALGIOS: And one other thing, your
25 architect does not have to do formal plans. I
26 mean, the Board just wants to see something so you
27 don't have to expend the money to have your
28 architect draw another whole new set of plans. At
29 this point something informal would be acceptable.
30 The Board just needs to see something.

31

32 MR. HSU: Okay. Sure.

33

34 CHAIR MAMMINA: Thank you, Ms. Algios.

35

36 MR. HSU: Thank you very much.

37

38 CHAIR MAMMINA: That's a very good
39 point. We're not looking for you spend a fortune
40 on a simple plan.

41

42 MR. HSU: May 25th.

43

44 CHAIR MAMMINA: 25th.

45

46 MS. WAGNER: Yes, you can -- well,
47 you're going to go get a notice that you have to
48 send out by regular mail. Okay?

APPEAL # 21215

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MR. HSU: Thank you very much. Thank
you.

MEMBER DONATELLI: Thank you.

APPEAL # 21216

1 MS. WAGNER: Next Appeal 21216, Daniel
2 Drolet, 119 Laurel Drive, New Hyde Park, Section 8,
3 Block 303, Lot 11 in the Residence-B Zoning
4 District.

5 Variances from 70-40.A, 70-41.A and
6 70-101.B to construct additions that are too close
7 to the side property line and the street and to
8 construct a portico that is too close to the
9 street.

10
11 CHAIR MAMMINA: You've heard #21216,
12 Daniel Drolet.
13 Is there anyone in the room interested
14 in the application other than the applicant?

15 Well, I doubt that you want to speak
16 against your application.

17
18 MR. O'CONNELL: All right. Thank you,
19 Chairman.

20
21 CHAIR MAMMINA: Give your name and
22 address.

23
24 MR. O'CONNELL: Absolutely.
25 For the record, Todd O'Connell doing
26 business at 1200 Veterans Highway; Hauppauge, New
27 York, architect for the owner, Mr. Drolet.

28 So to explain the dynamics of what's
29 going on here, Mr. Drolet is in the audience, and
30 he is the owner of the home. But, sitting next to
31 them, are actually their children, Kevin and Lauren
32 Fitzgerald, who is actually going to be moving in
33 to Mr. Drolet's home and Mr. Drolet is moving in to
34 their home. So it's basically a house swap. They
35 live next door to each other.

36 So they're looking to, you know, have
37 their family, grow up in the -- what the dad
38 currently lives in and make the home the way they
39 would like to raise their family.

40 So to explain some of the requests
41 that we're going for here today is that the
42 existing house is currently a nonconforming
43 structure. As it sits, it doesn't meet the code
44 and the majority of what we're looking to do is the
45 vertical addition.

46 The existing setback on the house has
47 actually been increased by only 3-inches and the
48 reason for that is because we're eliminating the

APPEAL # 21216

1 brick. So but yet, the setback has been increased
2 by 3 inches from what it is today.

3 Nonetheless, where a 7-foot setback
4 would be required, you know, we still need a
5 minimus, you know, variance for the eastern side
6 yard. And that eastern side yard is again,
7 preexisting, it's currently what's -- what's there.

8 One of the other requests that we're
9 here for is the front portico. As you know, when
10 you have an average front yard setback, it's either
11 or. It's the greater of the two, it's either the
12 average or 30 feet. In this case, 30 feet is the
13 greater. But the houses on the block, they're all
14 at 25-foot; 25-foot exactly is what the average
15 turned out to be.

16 So the majority of the house as it
17 sits at 26.3 currently because 30 foot is what
18 dictates the portico that they're looking to put in
19 front of their home cannot comply. There's no way
20 to make it comply. There's no choice but to come
21 before this board to ask for relief for their front
22 portico. And, in addition, the front of the house
23 does not comply with the 30. We're not coming any
24 closer to the street; we're just going vertical on
25 the home itself. So that's the reason why we're
26 here today before the Board. And the style of the
27 home that the Fitzgeralds are looking for is a
28 colonial Georgian-feel home, which you'll see on
29 the front elevation.

30 They did approach the neighbors, and I
31 have the ones that are most affected, the neighbors
32 to the right, to the left directly across the
33 street and the neighbor directly behind. And we
34 have letters of consent from those neighbors that
35 they have no objection to this variance being
36 granted.

37 I would like to submit that to the
38 Board.

39
40 MS. WAGNER: This will be Exhibit 1.

41
42 MR. O'CONNELL: Okay. So just to
43 address some of the factors. By no means is this
44 going to cause any kind of a negative environmental
45 impact, you know, the footprint is there, we're
46 going vertical other than a small expansion out the
47 back, you know, there's -- you know, the variance
48 requests we feel is quite the minimus being that

APPEAL # 21216

1 the space is already there.

2 There really could have been another
3 way to achieve our goal by holding the second floor
4 in. But I don't think that's realistic. As an
5 architect, we're really concerned about the
6 aesthetics of the neighbors. So that's one of the
7 things we're asking for. We're looking to conform
8 with the neighbors, and, you know, make a beautiful
9 home instead of kind of shifting it in where
10 everyone runs down the street and say, I wonder why
11 they did that; it didn't align with the existing
12 house.

13 Believe me, I've seen that a million
14 times. So we feel that creating this design is
15 really going to be a benefit to the community by
16 aligning the home itself.

17 Obviously, you know, we haven't seen
18 any, you know, the neighbors have no issues with
19 it, feel it's going to increase the value of the
20 area, we're creating something that's going to be
21 beautiful.

22 And, you know, although this request
23 is before you, it's self-created because we're
24 proposing it. But, nonetheless, these were the
25 cards that we were dealt, that the house was set,
26 you know, where it conformed with the setbacks, we
27 would not be before you today. But this is where
28 the house sits today.

29 So with that said, I'd love to answer
30 any questions that this Board may have.

31
32 VICE CHAIR FRANCIS: Mr. O'Connell.

33
34 MR. O'CONNELL: Yes, sir.

35
36 VICE CHAIR FRANCIS: What is the roof
37 pitch on the proposed change? Because I don't see
38 it written anywhere in the plan.

39
40 MR. O'CONNELL: Yeah, it actually is a
41 7 and 12 is what the roof pitch is. Part of that 7
42 and 12 is because one of their things that they
43 showed me with the design is for a Georgian
44 colonial is that they love those little attic
45 dormers, they're a very common aesthetic.

46 So to get the dormer and the scale to
47 work right, we felt that was
48 architecturally-speaking, was a nice pitch to put

APPEAL # 21216

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CHAIR MAMMINA: I get that. You know, but as we said many times today, we're not an aesthetic Board.

MR. O'CONNELL: Yes.

CHAIR MAMMINA: And there is -- in what we refer to very loosely as the Clinton G. Martin district where this was all zoned Residence-C and then was changed to Residence-B. As I understand, the story was that when he was the supervisor, he didn't want to live in the Residence-C zone, so he changed with one fell swoop every piece of property to nonconforming so we get a lot of these in this neighborhood, and they all have diminished side yards; they all have diminished front yard.

And one of the things that we do routinely is have them take those roofs and make those roofs hipped roofs, you know, rather than doing them as gable end roofs. If somebody is looking at 30-foot high roof from the side of their property, which is basically a three-story building for all intents, you know, and purposes, instead of looking just at that line of the gutter and that they look at now.

You know, and even if the Board were to put that on their -- the one thing I would caution you to -- and I know you're an excellent architect -- is that your building height is permitted to be 35 feet and you're at 29.96. And we have seen many people here, who when their building is all built, the Building Department will have you do a survey of the top of that house and if that house is higher than 30 feet, you're going to end up back here, which, of course, you don't want to and we don't want you to. So it's just a suggestion, purely a suggestion, it has nothing to do with what we do here either. I would just pull that down 4 inches, whatever, just to be sure.

But, you know, I'm only -- I'm only one Board Member, but I do think also that -- that Vice Chairman Francis is going in the same direction, you know, about hiping, you know, those -- you know, those roofs, you know, in there. I don't see the floor-to-floor height.

APPEAL # 21216

1
2 MR. O'CONNELL: If I could, Chairman,
3 address the hip roof. As you know, I've been
4 before this Board before. I've heard this request
5 on many occasions. I've already spoken to my
6 client about this, about making it a hipped roof,
7 anticipating that this would come -- this would
8 come up.

9 It is a fact that they'd rather not,
10 it's a certain style that we're going for.
11 However, they said that they would accept that
12 condition of switching to a hipped roof.

13
14 CHAIR MAMMINA: Okay.

15
16 VICE CHAIR FRANCIS: I think you're
17 still going to end up with a beautiful house.

18
19 MR. O'CONNELL: Yes, absolutely,
20 absolutely.

21
22 MEMBER GOODSELL: And the plans, the
23 way they stand, there's no indication in the
24 Building Department that it violated any kind of
25 sky plane.

26
27 MR. O'CONNELL: No.

28
29 CHAIR MAMMINA: I mean, it's very
30 lovely. You got 9-foot ceilings in there, you
31 know, which that give a little bit of more of a
32 push but that's very popular, you know, now, you
33 know, in houses.

34 So I don't know if we're -- me again,
35 just as one Board member, we would just continue
36 this so that you can submit the drawings. You
37 know, with that -- with that hipped roof on there
38 so that when you get to the Building Department
39 there's no issue that that has been approved by
40 the -- by the Zoning Board.

41
42 MR. O'CONNELL: And we do not have to
43 reappear for that, that is just something that we
44 can submit to the Board.

45
46 CHAIR MAMMINA: Absolutely. And I
47 will tell your client that on a much smaller lot
48 than this, a corner lot in any neighborhood on a

APPEAL # 21216

1 knockdown, they just -- the builder sold that house
2 for \$1,200,000. A Levitt slab on grade. I don't
3 live in a fancy -- it's not a fancy neighborhood.
4 \$1,200,000.

5
6 MR. O'CONNELL: Incredible.

7
8 CHAIR MAMMINA: A lot of money.

9
10 MR. O'CONNELL: Yes.

11
12 CHAIR MAMMINA: So I --

13
14 MEMBER DONATELLI: I just want to add,
15 I think it's admirable that -- that the family has
16 worked out this kind of arrangement that works for
17 both of them, and I would personally congratulate
18 you for working that out. I think it's very nice
19 to raise a new family in what was your family
20 house.

21
22 CHAIR MAMMINA: Okay. So then we'll
23 continue this, and you know the drill.

24
25 MR. O'CONNELL: I sure do.

26
27 CHAIR MAMMINA: You know, and just get
28 it back in here, and then we can approve it on the
29 25th. Would that be correct?

30
31 MS. WAGNER: Possibly, yes.

32
33 CHAIR MAMMINA: Okay.

34
35 MR. O'CONNELL: All right. We'll have
36 it to you within a week.
37 Thank you everyone, have a great day.

38
39 CHAIR MAMMINA: Thank you.

40
41 VICE CHAIR FRANCIS: Is the next
42 meeting on the 11th?

43
44 CHAIR MAMMINA: Right. Our next
45 meeting is on the 11th. Yeah. Sure. Off the
46 record.

47 (Whereupon, an off-the-record
48 discussion was held.)

APPEAL # 21216

1 VICE CHAIR FRANCIS: All right. So
2 we're taking a little break.
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4 MS. WAGNER: Five minutes.
5 (Whereupon, a short break was
6 taken.)
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APPEAL # 21166

1 MS. WAGNER: Next Appeal #21166, Jorge
2 Pincay. Jorge Pincay, 10 Third Avenue, Garden City
3 Park, Section 33, Block 121, Lot 6 in the
4 Residence-C Zoning District.

5 Variances from 70-47.1.B and 70-47.B
6 to legalize a conversion of a dwelling from a
7 single-family to a two-family on a plot of land
8 that it too small and too narrow.

9
10 CHAIR MAMMINA: You've heard Appeal
11 #21166, Jorge Pincay.
12 Is there anyone in the room interested
13 in the application other than the applicant?
14 (No response.)

15
16 CHAIR MAMMINA: Seeing no one, please
17 give your name and address.

18
19 MR. GEISELMAN: Mark Geiselman,
20 architect to applicants. Offices at 364 West
21 Fulton Street in Long Beach, New York.

22
23 CHAIR MAMMINA: Okay. Good morning.

24
25 MR. GEISELMAN: Good morning. If it
26 is still morning for a little while longer.

27
28 CHAIR MAMMINA: Don't jinx us. Okay.

29
30 MR. GEISELMAN: We're going to try to
31 do it.

32 So this is our second time back for
33 this application, so I just wanted to quickly run
34 over what we're looking at here. It's a two-family
35 home. The issues we're dealing with is lot width
36 of 75 feet where 80 is required and a lot square
37 footage of 7,500 square feet where ten thousand is
38 required.

39 We've gone through and presented some
40 information at the last hearing and were asked to
41 gather some additional documents and resubmit those
42 to the Building Department and which we did. We
43 got a response from Mr. Miano, which I forwarded to
44 board. And the sticking point, there appears to be
45 that. And we'll go into the history of it later.
46 Between 1952 and 1968, there was an existing use of
47 200-square-foot storefront in the building that was
48 removed. So Mr. Miano's interpretation of that is

APPEAL # 21166

1 that at that point, there should have been a
2 use-change application made, which wasn't in 1968.
3 So now we'll go back and run through the history of
4 what we've got here.

5 The original property record card from
6 Nassau County has this building originally
7 constructed as a two-family house with that
8 200-square-foot storefront in 1923 and a garage
9 added and that storefront removed in 1969. So
10 we've got records going back close to that time
11 from other -- from neighbors also.

12 We also went to LIPA to determine the
13 presence of the two electrical meters there, they
14 only went back to 1990 when the newest accounts
15 were opened, which is when Mr. Pincay purchased the
16 house in '99, opened those two new accounts. So
17 they wouldn't go back any further from that from
18 LIPA. That's just their policy there.

19 We also have documents that were
20 submitted by four of the neighbors who have lived
21 in the neighborhood for quite some time, anywhere
22 from 30 to 69 years, attesting that it's been a
23 two-family house for that long.

24 So I mean, from any documentation,
25 anything we can see, it appears that it has been a
26 two-family house since it was constructed 1929 --
27 or '23 -- I apologize -- and it has been maintained
28 that way since.

29 One other item that Mr. Pincay brought
30 to my attention, his other home literally across
31 the street at 1 Third Avenue was granted BZA --
32 maintenance of nonconforming two-family dwelling,
33 granted by the BZA number 13023 on 12/11/1985. So
34 there's certainly precedent set in the
35 neighborhood.

36 As far as --

37
38 MS. ALGIOS: Can you just give me
39 those numbers again?

40
41 MR. GEISELMAN: Yes, sorry. That was
42 at 1 Third Avenue, and it was maintenance of
43 nonconforming two-family dwelling, rendered by BZA
44 13023 on 12/11/85. I can submit a copy of the
45 certificate of existing use if you'd like.

46
47 MS. WAGNER: Okay. This will be
48 Exhibit 1.

APPEAL # 21166

1
2 MR. GEISELMAN: And do I need to
3 submit hard copies into the exhibit of the other
4 documentation that we have or is email enough?
5
6 MS. WAGNER: No.
7
8 MR. GEISELMAN: Okay.
9
10 MS. WAGNER: But just to clarify, what
11 the email from the --
12
13 MR. GEISELMAN: Mr. Miano.
14
15 MS. WAGNER: Right.
16
17 MR. GEISELMAN: Yes. Did you forward
18 that as an exhibit or as a --
19
20 MR. RANT: I did. I think I might
21 have just forwarded the email.
22
23 MS. WAGNER: So we'll look for that.
24
25 MR. GEISELMAN: Look for that. I can
26 print it out, forward it as an exhibit as well if
27 that's required. I don't have a printed copy here
28 with me.
29 So if you want me to go through the
30 requirements, certainly not an undesirable change.
31 It's really not a change; the house has been there
32 as this since 1923. Obviously, we can't find
33 benefit to another method of the site and the house
34 are what they are. We're not changing any bulk or
35 anything like that.
36 It's not substantial on the width,
37 it's more substantial on the square footage, but
38 there's a house across the street that was granted
39 with a much more substandard -- substantial square
40 footage that's only on a 40x100 lot.
41 Again, adverse effect. No, it's
42 existing since 1923. No additional effect on the
43 neighborhood and certainly not self-created.
44 Mr. Pincay bought the house as a two-family.
45
46 MEMBER GOODSELL: I have to say, I was
47 particularly interested in the long-term members
48 that you were able to find.

APPEAL # 21166

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MR. GEISELMAN: Yeah.

MEMBER GOODSELL: The long-term residents who were willing to sign an affidavit or statement to the effect, as far as they knew, it was always used, certainly used as a two-family house, which Mr. Pincay has only owned it since 1999.

MR. GEISELMAN: Right.

MEMBER GOODSELL: Some of them are willing to say one particular gentleman, 69 years that -- this obviously as I said to you last time, probably was one of the original houses in the neighborhood.

MR. GEISELMAN: Yeah.

MEMBER GOODSELL: There was nothing but cattle fields when this was built. And piece by piece by piece, it was probably sold off. It is possible that nobody understood that we were going to need 80 x 100 in order to maintain a --

MR. GEISELMAN: Certainly not.

MEMBER GOODSELL: -- two-family. And there goes the last five feet.

MR. GEISELMAN: Yep.

MEMBER GOODSELL: As one Board Member having looked at every possible record and having looked at the additional submissions, I find there to be some compelling evidence that it is, in fact, a two-family house.

VICE CHAIR FRANCIS: Yeah, you know, but for the size of the lot. You wouldn't even --

MR. GEISELMAN: It's an acceptable use.

VICE CHAIR FRANCIS: I mean, wouldn't even be before us.

APPEAL # 21166

1 MR. GEISELMAN: Exactly. Yep.
2
3 CHAIR MAMMINA: We have a -- we have a
4 motion from Member Goodsell and a motion -- second
5 from Vice Chairman Francis.
6 Please poll the Board.
7
8 MS. WAGNER: So this is a motion to
9 grant?
10
11 CHAIR MAMMINA: Grant.
12
13 MEMBER GOODSELL: Motion to grant the
14 application to find that this is, in fact, a
15 two-family and to maintain its status as a
16 two-family house.
17
18 MS. WAGNER: Based on the documents
19 that were submitted?
20
21 MEMBER GOODSELL: I am basing my
22 motion on the recent documentation that's been
23 submitted, the tax card and particularly the
24 statements of the long-time residents. Having
25 looked at all of the rest of the documentation
26 submitted by the applicant, I am persuaded that
27 there is enough evidence to grant the application.
28 Therefore, I propose that we grant the application.
29
30 CHAIR MAMMINA: Okay. So we have a
31 motion from Mrs. Goodsell.
32
33 MEMBER DONATELLI: Second.
34
35 MS. WAGNER: Member Goodsell.
36
37 MEMBER GOODSELL: Aye.
38
39 MS. WAGNER: Member Donatelli.
40
41 MEMBER DONATELLI: Aye.
42
43 MS. WAGNER: Vice Chairman Francis.
44
45 VICE CHAIR FRANCIS: Aye.
46
47 MS. WAGNER: Chairman Mammina.
48

APPEAL # 21166

1 CHAIR MAMMINA: Aye.
2 So the application is granted, and I
3 would just add to that this is a very old part of
4 the town, and I guess the cattle fields were, you
5 know, a good way to put it. But, you know, kind of
6 predates almost, you know, anything that's there.
7 And you've done an excellent job of demonstrating
8 that, which is the key.
9

10 MR. GEISELMAN: Sure thing. Thank you
11 so much.
12

13 SPEAKER: Thank you very much.
14

15 VICE CHAIR FRANCIS: You're welcome.
16

17 CHAIR MAMMINA: Okay. Thank you.
18

19 VICE CHAIR FRANCIS: And then there
20 was one. It might be a good time to go on lunch
21 time.
22

23 CHAIR MAMMINA: Denied.
24

25 MEMBER GOODSELL: We're not going to
26 leave these people hanging, are we?
27

28 CHAIR MAMMINA: We should be back in
29 an hour or two.
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APPEAL # 21213

1 MS. WAGNER: The next appeal is
2 #21213, Michael Angel, 4 Ridge Drive, Port
3 Washington, Section 6, Block 33, Lot 150 in the
4 Residence-A Zoning District.

5 Variances from 70-30.A, 70-31.A to
6 construct a two-story addition that is too close to
7 the street and a second-story addition with not
8 enough total side yard area.

9
10 CHAIR MAMMINA: You've heard Appeal
11 #21213, Michael Angel.

12 Is there anyone else in the room
13 interested in the application other than the
14 applicant?

15 (No response.)

16
17 CHAIR MAMMINA: Other than the
18 applicant. You're not going to speak against your
19 application, right? If you'd like to, you may.

20
21 MS. WAGNER: I just want to note for
22 the record that there was some correspondence
23 submitted. It was forwarded to the applicant and
24 the applicant responded, and all that is --

25
26 CHAIR MAMMINA: Distributed. Yes.
27 Thank you.

28
29 MR. COOPER: I have some exhibits.

30
31 MS. WAGNER: You want to explain what
32 they are, and we'll enter it as Exhibit 1.

33
34 MR. COOPER: The Exhibit A is two
35 photos of the front elevation of the house, just so
36 the Board hasn't had a chance to go by just to
37 familiarize themselves with the aesthetics and the --
38 of the home.

39 And the other Exhibit B, was just all
40 the homes within 200 feet to either side on the
41 same block front, just to show the style of the
42 homes and how they are situated on the properties.

43 My name is Alan Cooper, I'm the
44 architect. My office is at 1047 Old Northern
45 Boulevard, Roslyn, New York 11576.

46 I'm here this morning before you to --
47 for the application of Eric and Michael Angel.
48 We're requesting variances for the property located

APPEAL # 21213

1 at 4 Ridge Drive, Port Washington, New York,
2 Section 6, Block 33, Lot 150 and in the RA Zoning
3 District.

4 We are requesting variances from code
5 sections 70-30(A) front yard and 70-31(A) side
6 yard. For the front yard, the code states that the
7 dwelling shall be no closer than the greater
8 35 feet to the property line or the average of the
9 properties within 200 feet.

10 Since 35 feet is the greater setback
11 in our case, we are seeking a 5.7 foot variance, at
12 the proposed reconstructed one-story addition and a
13 4.7-foot variance at the proposed two-story
14 addition.

15 If we were to consider the average
16 front yard setback on the block front, which is
17 26.3 feet, we would exceed the -- that 26.3 by
18 three feet at the one-story addition and four feet
19 at the two-story addition, so it would be further
20 back than the average of the homes along the same
21 block front.

22 As far as the side aggregate goes, we
23 are required to have a 32.3 feet aggregate side
24 yard setback, and we only have to 28 feet. With
25 the existing 28 feet, and we propose 28 feet, we
26 are like to -- we are rebuilding a one-story
27 addition on the same to the footprint, and we're
28 building on the right side of the house above the
29 garage to the same setback as presently exists. So
30 we're not increasing the nonconforming. So that
31 would be a 4.3 variance for the new construction,
32 which is what there is now presently.

33 The proposed one-story addition we're
34 requesting would be on the main level of the home,
35 along with a kitchen and a living room. The
36 two-story addition will enclose an open breezeway
37 to the garage on the first floor and the larger
38 small bedroom on the second floor. The second
39 story addition will have new baths and closets.

40 The proposed work would be relatively
41 in line with the other homes on the block and is
42 not -- is not out of character with -- nor would
43 have negative -- negative impact on the street.

44 We are requesting permission to make
45 these improvements while maintaining both the
46 character and the integrity of the home as well as
47 keeping with the feeling of the other homes in the
48 surrounding neighborhood. If the variance -- if

APPEAL # 21213

1 the variances are granted, it will benefit the
2 applicant without adversely affecting health and
3 safety and the welfare of the community.

4 Your consideration would be greatly
5 appreciated. If you have any questions, I would be
6 happy to answer them.

7 So, basically, let me explain. So
8 right now, there's a -- the Angels have four
9 children and upstairs presently there's a one --
10 one small bathroom, if you look at the floor plans,
11 with a pedestal sink that they all share. The one
12 daughter lives up in the attic, the other three
13 kids -- there's four bedrooms on the second floor,
14 which are, you know, modest-sized bedrooms. One of
15 them is very small, it's about 8 feet where the --
16 where the youngest daughter sleeps now, so we're
17 looking to enlarge that. That's the reason for the
18 two-story addition, I'm adding, like, three and a
19 half feet onto her bedroom just to make it a little
20 wider.

21 The one-story addition, presently, it
22 started out as it was -- it was an addition, and it
23 was an open porch. And over the years, somebody
24 enclosed it with some single pane sliding aluminum
25 doors. It has no heat, it has a slate floor that's
26 angled, it was an old porch. It's kind of in
27 disrepair.

28 So we're looking just to rebuild that
29 room and make it a proper den. They use it as a
30 den, but it's kind of like a three-season room.

31
32 MEMBER GOODSSELL: That would be
33 this --

34
35 MR. COOPER: That room, it's kind of
36 like a three-season room. Yeah.

37
38 MEMBER GOODSSELL: So I'm looking at
39 the diagram. I'm looking at the house. That would
40 be the existing addition on the left hand; is that
41 correct?

42
43 MR. COOPER: Right. So we're going to
44 take that down, pretty much, build 2 x 6 walls with
45 insulation and heating and level the floor and make
46 it a -- you know, a regular room, a four-season
47 room on the same footprint. We're not looking to
48 enlarge it at all. So I'm just rebuilding that

APPEAL # 21213

1 room where it exists.

2

3

MEMBER GOODSELL: But no second story
4 over that room?

5

6

MR. COOPER: No, no. So the
7 second-story addition is a second story over the
8 garage, which I think will -- I know you're not
9 interested in aesthetics, but the house will look
10 much more attractive if -- that that second story
11 and went all the way across my garage.

12

13

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19

If you look at my elevation, I show
two symmetrical windows over the garage, and I
think it would look much more attractive. And
that's going to help me enlarge the master bedroom
and add some closets and a bathroom as well as
enlarging the daughter's -- the daughter's bedroom
on that side.

20

21

22

CHAIR MAMMINA: Plus the Palladian
would not be so practical.

23

24

25

VICE CHAIR FRANCIS: It makes perfect
sense to move that.

26

27

28

29

30

MR. COOPER: Yeah, just slide it over.
And just, it seem -- I'm within the square footage
by doing what we're doing, going over to the end
and rebuilding that other room, which is not adding
square footage.

31

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And the other addition we're doing
which is not the concern of the Board is we're
making the kitchen bigger. They love having the
holidays right now, and they're having six people
that live in the house. And when they have family
over, they just wanted a bigger kitchen, a place to
extend the table across the backyard. That's not
part of this variance, but it's just work that we
intend on doing.

40

41

42

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46

MEMBER DONATELLI: All right. Just
for clarity, when you say "expanding the bedroom of
the daughter", would that be the bedroom that is --
let's see, it's adjacent to the stairway. Is that
the one that's being expanded, the one in front?

47

48

MR. COOPER: On the front, the front
right side of the house.

APPEAL # 21213

1
2 MEMBER DONATELLI: Yeah.
3
4 MR. COOPER: She has one window on the
5 front, and there's a window on the side that I'm
6 going to move over. It's going to still face the
7 garage side.
8
9 MEMBER DONATELLI: All right. I don't
10 have any further questions. Does anyone?
11
12 CHAIR MAMMINA: No, I don't either.
13
14 MEMBER GOODSSELL: I'd like to have a
15 sled when there's a snowfall because I'll bet the
16 sledding on this -- as I recall there's kind of a
17 dropoff.
18
19 MR. RANT: Yeah, the concern with the
20 neighbor is that she's concerned during -- right
21 now, she's getting runoff, it's just inherent in
22 this, the backyard is --
23
24 MEMBER GOODSSELL: I'll bet.
25
26 MR. COOPER: -- sloped. So the
27 neighbor behind them has contacted the Board, and
28 we agreed to put a silt fence during construction
29 along the back of the property, so she won't get
30 any mud or runoff on to her property.
31
32 CHAIR MAMMINA: Yeah. The Building
33 Department will make them do it, and we can put it
34 in there just in case.
35
36 MEMBER DONATELLI: I'm very well
37 familiar with the area. Actually, I live right
38 around the block from you. So I drive past your
39 house probably at least daily. I would note for
40 record that the house is lower than street level so
41 that it -- visually what is being proposed, the
42 bulk of what is being proposed would not be very
43 intrusive to the eye.
44 I would also note that while I tend to
45 be concerned with the aggregate side yard
46 calculation, I would note that the applicant is not
47 increasing the nonconformity; they are merely
48 building to the existing side yard wall.

APPEAL # 21213

1 And so based on that, I would make a
2 motion, but I would also add a condition that
3 any -- that a silt fence be put up during
4 construction so as to minimize any impact to the
5 rear neighbor. With that condition, I would make
6 the motion that we grant the application.
7
8 CHAIR MAMMINA: We have a motion from
9 Mr. Donatelli.
10 Do we have a second?
11
12 MEMBER GOODSSELL: I'll second.
13
14 CHAIR MAMMINA: Seconded by Member
15 Goodsell.
16 Please poll the Board.
17
18 MS. WAGNER: Member Goodsell.
19
20 MEMBER GOODSSELL: Aye.
21
22 MS. WAGNER: Member Donatelli.
23
24 MEMBER DONATELLI: Aye.
25
26 MS. WAGNER: Vice Chairman Francis.
27
28 VICE CHAIR FRANCIS: Aye.
29
30 MS. WAGNER: Chairman Mammina.
31
32 CHAIR MAMMINA: The application is
33 granted.
34
35 MR. COOPER: Thank you so much.
36
37 CHAIR MAMMINA: Thank you.
38
39 MR. COOPER: You're welcome.
40
41 CHAIR MAMMINA: I want to know if all
42 three of them use the sink all at once.
43
44 SPEAKER: It gets really disgusting in
45 there, so my daughter is like, "Ew."
46
47 MEMBER DONATELLI: Welcome to
48 parenthood.

APPEAL # 21213

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SPEAKER: We try. There's a lot of
pounding on the door.

VICE CHAIR FRANCIS: I'm sure.

SPEAKER: Thank you, guys.

VICE CHAIR FRANCIS: Take care, enjoy.
(Sidebar conversation.)

APPEAL # 21218

1 MS. WAGNER: Appeal #21218. Mian
2 Wang, (Dr. Anthony Moustakas), 496 Plandome Road,
3 Manhasset, Section 3, Block 69, Lot 4 in the
4 Business-A Zoning District.

5 Variance from 70-103(A) to construct
6 alterations to convert a retail space into a
7 chiropractic office with not enough parking.

8
9 CHAIR MAMMINA: You've heard Appeal
10 #21218; Mian Wang (Dr. Anthony Moustakas.)
11 Is there anyone in the room interested
12 in the application other than the applicant?
13 (No response.)

14
15 CHAIR MAMMINA: Seeing no one. And
16 for whatever it's worth, there's someone who works
17 for me whose name is Mian Wang, and she said in
18 Chinese, it's a man's name and it's a woman's name.
19 And I guess while she got stuck being an architect,
20 she said most people with that name are doctors. A
21 little bit of interest.

22 When people ask me why I'm an
23 architect, I say my mother dropped me on my head
24 really hard when I was little.

25
26 MR. BUTT: Same thing. My father did
27 the same thing to me, he dropped me on my head too.
28 I have the -- I have all the cards.

29
30 MS. WAGNER: It's just mailings?

31
32 MR. BUTT: Yeah, yeah. It's just
33 mailings.

34
35 VICE CHAIR FRANCIS: Mr. Butt, just
36 give your name and address, please.

37
38 SPEAKER: Yes, good afternoon -- good
39 morning still, Members of the Board. My name is
40 Edward Butt from the firm of Edward Paul Butt,
41 Architect. The address is 499 Jericho Turnpike in
42 Mineola.

43 I'm here on behalf of Dr. Moustakas
44 and the owner of the -- of the property, which is
45 Mr. Mian Wang. We're here today because
46 Mr. Moustakas, who is a local resident and has
47 practicing -- lives over with his parents over in
48 Flower Hill, is looking to open up a practice,

APPEAL # 21218

1 small practice for himself on Plandome Road at
2 the -- at the location known as Section 3, Block
3 69, Lot 4, known as 496 Plandome Road.

4 The subject property is a small retail
5 space, if -- I'm sure you're familiar with the area
6 very well. It's a -- it's an inline location
7 that's existing. It's been multiple different uses
8 throughout the years. This use, however, is a
9 medical use, and because it is defined as such,
10 requires a different parking count than would be
11 required for a retail store use. So we are here
12 today to justify, we believe, the need or the ask
13 for relief of the parking that is technically
14 required for this location.

15 Part of the reason we feel this is not
16 an impact on the -- on the neighborhood or on the
17 stress of the traffic in the area -- and we have
18 Mr. Pat Lennihan from VHB to testify; he has some
19 testimony on this. There was a Mr. Eschbacher
20 would have been here today but he is away, he has
21 sent me a text the other day. He's actually
22 babysitting in Colorado and he can't make it, good
23 for him. And he offers his apologies, but
24 Mr. Lennihan, who is also an associate of his and
25 is here to represent and will be giving a
26 presentation for that -- for this project.

27 The function of the space, he is a
28 sole practitioner, his functions are -- he
29 basically sees a client about approximately once
30 every half hour or so. There's a slight waiting
31 area in the front. The way his practice works,
32 people go get left in an examination room, then
33 they are treated, and then they go to a physical
34 therapist spot. So it's sort of a "three people at
35 a time" kind of operation going on there. At most,
36 he has two employees or will have two employees.
37 Right now, he doesn't have any.

38 And I would say that on any given
39 moment in time, you wouldn't have more than five
40 people in this place at any given moment, maybe
41 six. But, again, knowing the downtown area of
42 Plandome Road in Manhasset, there is parking in the
43 area, public parking in the area. There's street
44 parking as well.

45 As a matter of fact, the parking in
46 the back will most likely be for the doctor himself
47 and maybe an employee. Doesn't really make sense
48 for any visitors to actually park back in that

APPEAL # 21218

1 area. But why don't I let the experts speak on
2 behalf of that, and then I can come back and
3 conclude my presentation.

4 Mr. Lennihan.

5
6 MR. LENNIHAN: Thank you, Ed.

7 Good morning. And I think I'm going
8 to make it under the wire by about a minute and a
9 half to say good morning.

10 Chairman Mammina, Members of the
11 Board, counsel and staff, my name is Pat Lennihan.
12 I'm the director of transportation at VHB's Long
13 Island office in Hauppauge, and Bob would have made
14 it, he wanted to come say hello. Unfortunately,
15 his son and daughter in-law got caught up in a
16 quarantine situation in Europe and didn't make it
17 back in time, so I got the phone call Monday if I
18 could stand in, so I'll do my best.

19 So as Ed mentioned, we had prepared a
20 parking study report in support of the -- sought
21 relief in the form of a parking variance. It's my
22 understanding that the rejection letter noted that
23 the use required 11 parking stalls and the site
24 plan shows two.

25 So looking at the actual parking
26 demand, putting the code aside for a second, Ed
27 mentioned two employees and some -- some patient
28 actually looking further out in the future, full
29 disclosure, the doctor may add a massage therapist
30 so we've assumed in the report three employees in
31 the building and four concurrent patient, for a
32 total of -- for a total of seven so -- I'm having a
33 microphone problem. I apologize. Stay.

34
35 CHAIR MAMMINA: That's what happens
36 when you're too tall. You should be short like me.

37
38 MR. LENNIHAN: So looking at the
39 potential impact of that in a downtown area, you
40 know, where there are a lot of buildings that have
41 small amount of dedicated parking and sometimes
42 none, any parking demands are taken care of in the
43 municipal spaces. There is municipal parking on
44 Plandome Road. There's a couple of fairly large
45 municipal lots on the other side of Plandome off
46 Locust that are part of the Manhasset Park
47 District.

48 So taking that into account, I drove

APPEAL # 21218

1 through today, there were many empty parking spaces
2 there right now. And given the fact that, you
3 know, anything that occupied this space would
4 generate parking demand to some degree, some
5 perhaps even higher than the seven that we're
6 looking at.

7 It's our -- my professional opinion
8 that should the Board see its way to grant the
9 relief in the form of a variance, that it wouldn't
10 put an undue parking burden in the vicinity of the
11 project. And really that's it for my presentation.
12 I'll take any questions that you might have. Thank
13 you.

14
15 MEMBER DONATELLI: Is the space
16 currently occupied?

17
18 MR. LENNIHAN: It's vacant.

19
20 MEMBER DONATELLI: How long has it
21 been vacant?

22
23 MR. LENNIHAN: That, I'm not sure.
24 About one year.

25
26 MEMBER DONATELLI: And do you know
27 what was there previously?

28
29 MR. LENNIHAN: It was a clothing store
30 in the immediate -- in the immediate past. But it
31 was, at some point, a hair salon. It's actually
32 true.

33
34 MEMBER DONATELLI: The dreaded hair
35 salon.

36
37 VICE CHAIR FRANCIS: Much higher use.

38
39 CHAIR MAMMINA: Dreaded. That's --
40 that's Bob's line.

41
42 MEMBER DONATELLI: The dreaded.

43
44 MR. LENNIHAN: He -- he coached me.
45 He said if I didn't say it, you would be
46 disappointed.

47
48 CHAIR MAMMINA: That's right.

APPEAL # 21218

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MEMBER DONATELLI: I think he copyrighted that phrase actually.

MR. LENNIHAN: We put it on the plaque when he retired.

CHAIR MAMMINA: There you go.

MEMBER DONATELLI: Nowadays, I can't say the phrase "hair salon" unless I preface it with the term "dreaded," and that's all thanks to Bob.

I don't have any further questions.

CHAIR MAMMINA: Nope. I don't.

MEMBER GOODSELL: I don't. I mean, I recognize that you're way short on the parking, but this is an old section of town, and I think the community is not going to suffer. Who's going to suffer is the applicant because his patients will be crabby because they don't have a parking space and crabbiier because he can't put the velvet ropes with the valet parking.

But, hopefully, we will see their way clear to getting to him. I've just -- I don't see -- and I know this is part of your presentation -- any other way to put anyone in there where at least one or two parking spaces on the street aren't going to be required.

MR. LENNIHAN: I agree.

MEMBER GOODSELL: So, unfortunately, it's the nature of the downtown, but it is hopeful that as part of your presentation, the applicant indicates that there may be some people who live in the area, walk in the area who will be coming in in very poor shape to the chiropractor's office and perhaps leaving in better shape.

MR. LENNIHAN: Yes. There is a -- there is an area population, sort of a built-in client base that will likely drive that seven down a little bit.

MEMBER DONATELLI: Yeah, I would just

APPEAL # 21218

1 add to that. I would add that it's midblock, so
2 that would, in my mind, direct any parking to
3 Plandome Road as going around the block and down
4 the block to the residential areas, which, of
5 course, is a concern of those residents.
6 I would also add that, in my opinion,
7 chiropractic use would probably be less intensive
8 traffic and parking than would a hair salon, which
9 does, in fact, involve much more turnover of --
10
11 MR. LENNIHAN: Right. Even, for
12 instance, the Carvel next door is probably
13 populated with more folks than would be in here on
14 a good day.
15
16 MEMBER DONATELLI: So with all that in
17 mind, Mr. Chairman, I would make the motion that we
18 grant the application.
19
20 CHAIR MAMMINA: We have a motion from
21 Member Donatelli.
22 Do we have a second?
23
24 VICE CHAIR FRANCIS: Second.
25
26 CHAIR MAMMINA: Seconded by Vice
27 Chairman Francis.
28 Please poll the Board.
29
30 MS. WAGNER: Member Goodsell.
31
32 MEMBER GOODSELL: Aye.
33
34 MS. WAGNER: Member Donatelli.
35
36 MEMBER DONATELLI: Aye.
37
38 MS. WAGNER: Vice Chairman Francis.
39
40 VICE CHAIR FRANCIS: Aye.
41
42 MS. WAGNER: Chairman Mammina.
43
44 CHAIR MAMMINA: Aye.
45 The application is granted.
46
47 MR. LENNIHAN: Thank you.
48

APPEAL # 21218

1 MR. BUTT: Thank you very much. Thank
2 you for your time.
3
4 CHAIR MAMMINA: Thank you for your
5 time.
6
7 MR. BUTT: Good to see you too.
8
9 CHAIR MAMMINA: Good luck.
10
11 MR. BUTT: Thank you.
12
13 (Sidebar conversation.)
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APPEAL # 21207

1 MS. WAGNER: Appeal #21207. Fifth
2 Avenue of Long Island Realty, 2072 Northern
3 Boulevard, Manhasset, Section 3, Block 183, Lot 12
4 in the Business-A Zoning District.

5 Variances from 70-196.J(1)(a) and
6 70-196.J(1)(f) to construct wall signs that are too
7 high and exceed the amount of signs permitted on a
8 single wall.

9
10 CHAIR MAMMINA: You've heard Appeal
11 #21207, Fifth Avenue of Long Island Realty.
12 Is there anyone in the room interested
13 in the application other than the applicant?
14 (No response.)

15
16 CHAIR MAMMINA: Seeing no one, except
17 a briefcase.

18
19 MR. WESTERGARD: Good morning. How
20 are you?

21
22 CHAIR MAMMINA: State your name and
23 address.

24
25 MR. WESTERGARD: Craig Westergard,
26 1639 Northern Boulevard, Roslyn, New York 11576.
27 Well, this is a surprise. I didn't
28 expect to be here this early and --

29
30 CHAIR MAMMINA: Neither did we. Don't
31 jinx us.

32
33 MR. WESTERGARD: Actually, at the last
34 month's hearing, I said the same thing. It was
35 almost to the minute. I was going to say good
36 afternoon, and I was able to say good morning then
37 too.

38
39 CHAIR MAMMINA: There we go.

40
41 MR. WESTERGARD: The issues were
42 presented in Virginia's presentation. The issue
43 last month was that the second sign on the building
44 was too large, and I want to -- I want to -- I'm
45 sorry, I'm not feeling very well today, by the way.
46 Just so you know, I had some surgery over the --
47 mouth surgery over the weekend. Everything was
48 great, and all of the sudden this morning, I'm

APPEAL # 21207

1 swollen.

2

3

CHAIR MAMMINA: Oh, boy.

4

5

6

MR. WESTERGARD: Anyway, I wanted to -- especially since no one is here, I wanted to confide to this Board that I told this applicant --

7

8

9

MS. WAGNER: Everything you say is on the record, you realize that.

10

11

12

MR. WESTERGARD: It's okay.

13

14

MS. WAGNER: It's being livestreamed.

15

16

17

MR. WESTERGARD: Thank you. Okay. Now, this Board has been -- thank you, Virginia. This Board has been very kind and generous to the Americana over the years. I've come here many times, and I don't think I've ever been turned down for anything that I've asked for; so, thank you.

18

19

20

21

22

That being said, I did take some photographs of some of the other applications that we were successful in obtaining, and I wanted to share them with the Board, if I could.

23

24

25

26

MS. WAGNER: This will be Exhibit 1.

27

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MR. WESTERGARD: In order that they -- that they appear in front of you. I know it's self-explanatory, but we have the -- starting from the west to the east on the north side, which is where David Yurman is, we have Prada that has the larger sign and then the subordinate sign directly above the door, Zenya, the same circumstance, as well as Versace, Van Cleef & Arpels, which is part of the London Jewelers conglomeration, even Cartier as well further down, and last but not least, Salvatore -- Salvatore Ferragamo.

40

41

42

43

44

So I went back to the David Yurmans folks. I explained to them exactly what the story was, and I said that the sign had to be made much, much smaller. And what they came back with...

45

46

MS. WAGNER: This would be Exhibit 2.

47

48

MR. WESTERGARD: I've also brought another copy of what was given to you last month,

APPEAL # 21207

1 in case you didn't have it.

2

3 MS. WAGNER: And this will be Exhibit
4 3., which is the original application.

5

6 MR. WESTERGARD: Yes.

7

8 MEMBER DONATELLI: I'm sorry, what is
9 Exhibit 3?

10

11 MR. WESTERGARD: That was the original
12 application from last month. The original
13 secondary sign was, I believe, eight and a half,
14 and they've taken it down to five. The sign
15 creator or manufacturer tells me that that's the
16 smallest sign they could make while illuminating
17 it. That smaller sign is a backlit or halo sign so
18 that the front is dark and it just throws a wash of
19 light on to the building facade.

20

21 CHAIR MAMMINA: While I don't want to
22 challenge that part of the testimony because LED
23 lighting now, you can do almost anything, but
24 that's okay. The size of the sign, I think, is
25 adequately reduced.

26

27 MR. WESTERGARD: Thank you. Thank
28 you, Mr. Chairman.

29

30 MEMBER GOODSSELL: You know, this
31 reminds me of my children saying how many peas do I
32 have to eat to get dessert? You don't have to eat
33 all of them; is this good enough, is this good
34 enough, is this -- I mean, we appreciate the fact
35 that the client has, in fact -- because I'm looking
36 at the two comparisons -- has, in fact, come back
37 and has made it small.

38

39 And being the newest member of the
40 Board -- I was not on the Board when any of these
41 double signs were, in fact, approved. But I can
42 see why they were, and I think as one Board's
43 opinion, David Yurman's company has made a real
44 effort to try to comply with what we have. And I
45 sort of feel like they have. I mean that's my
46 feeling on this.

46

47 I like the product very much, but
48 that's an aside. But it's -- it's invaluable to me
to see that, in fact, particularly with Prada or

APPEAL # 21207

1 Salvatore Ferragamo, that we have, in the past,
2 approved a second sign directly above the door,
3 which is where David Yurman is looking to put it.
4 And also as one Board Member, having
5 the David Yurman logo to me is not really -- it
6 does not bother me. I don't -- I don't see this as
7 three signs; although, technically, it may be. So
8 I don't think we had an objection to the logo the
9 last time that we met.
10
11 MEMBER DONATELLI: I would also
12 address the issue of the height of the sign. I
13 think that the height of the sign is dictated
14 really by the architecture of the building.
15 Because you do want that sign to appear where it
16 is, as opposed to being higher or lower. So I
17 personally don't have a problem with the height of
18 the sign.
19
20 CHAIR MAMMINA: Okay, then. I think
21 we can consider that a motion by Member Goodsell
22 and a second by Member Donatelli.
23
24 MS. WAGNER: Poll the board?
25
26 CHAIR MAMMINA: Please poll the Board.
27
28 MS. WAGNER: Member Donatelli.
29
30 MEMBER DONATELLI: Aye.
31
32 MS. WAGNER: Member Goodsell.
33
34 MEMBER GOODSELL: Aye.
35
36 MS. WAGNER: Vice Chairman Francis.
37
38 VICE CHAIR FRANCIS: Aye.
39
40 MS. WAGNER: Chairman Mammina.
41
42 CHAIR MAMMINA: Aye.
43 The application is granted.
44
45 MR. WESTERGARD: Thank you so very
46 much.
47 And Board Member Goodsell, thank you
48 for your comments about David Yurman. And I

APPEAL # 21207

1 actually bought my wife her 25th wedding
2 anniversary ring there, and she's very happy with
3 it.
4
5 MEMBER GOODSELL: He's got nice stuff.
6 He's got very nice stuff and he's very high-end and
7 I do appreciate the fact that he did listen to us.
8 And I was amused last time when you --
9 you were asked by the Board what you had explained
10 to David Yurman that we don't normally approve two
11 signs like this and could this be reduced, and you
12 said this is the reduced sign.
13
14 MR. WESTERGARD: Yeah.
15
16 MEMBER GOODSELL: Yes, this is the one
17 that is --
18
19 VICE CHAIR FRANCIS: Feel better.
20
21 MR. WESTERGARD: Thank you so much.
22 Be well.
23
24 MEMBER DONATELLI: It's a sign of the
25 times that somebody comes in with mouth pain and
26 we're all relieved it's not COVID. Feel better.
27
28 MEMBER GOODSELL: Feel better is
29 right.
30
31 MR. WESTERGARD: Thank you.
32 (Sidebar conversation.)
33
34 VICE CHAIR FRANCIS: I'll make a
35 motion that we adopt SEQRA.
36
37 CHAIR MAMMINA: We have a motion.
38 Do we have a second?
39
40 MEMBER DONATELLI: Seconded.
41
42 CHAIR MAMMINA: Seconded by Member
43 Donatelli.
44
45 MS. WAGNER: All in favor?
46 (A chorus of "ayes".)
47
48 MS. WAGNER: I just want to -- do we

APPEAL # 21207

1 need to reopen the record for Appeal #21198, which
2 is --
3
4 MEMBER GOODSSELL: We do, that's right.
5
6 MS. WAGNER: That was reserved. And
7 they submitted some addition information, so does
8 someone want to make a motion on that? To reopen
9 and please accept and --
10
11 MEMBER DONATELLI: And accept?
12
13 MS. WAGNER: Well, accept the
14 documents, we'll continue the appeal.
15
16 MEMBER DONATELLI: That needs to be
17 unanimous, right?
18
19 MS. WAGNER: Yes.
20
21 MEMBER DONATELLI: Okay. So I make a
22 motion that we reopen that application and accept
23 the additional documentation that was submitted.
24
25 CHAIR MAMMINA: We have a motion.
26 Do we have a second?
27
28 VICE CHAIR FRANCIS: Second.
29
30 MS. WAGNER: All in favor?
31 (A chorus of "ayes".)
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C E R T I F I C A T E
STATE OF NEW YORK)
COUNTY OF RICHMOND) SS.:

I, MADELINE TAVANI, a Notary Public for
and within the State of New York, do hereby
certify:

That the above is a correct
transcription of my stenographic notes.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 12th day of May, 2022.



MADELINE TAVANI