

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Town of North Hempstead  
Board of Zoning Appeal  
PUBLIC HEARINGS

Wednesday, June 5, 2024  
10:00 a.m.

BOARD MEMBERS PRESENT:

- David Mammina, Chairman
- Patricia A. Goodsell, Member
- Daniel Donatelli, Member
- Jay Hernandez, Member

ALSO PRESENT:

- Deborah Algios, Town Attorney
- Virginia Wagner, Secretary
- Steven Perrotta, Planner
- Mariesel Berrios, Stenographer

## Proceedings

1 CHAIRMAN MAMMINA: Everyone, please rise and join Member  
2 Hernandez in the Pledge of Allegiance.

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

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

6 What I want to do is just take a couple of minutes to go through  
7 the way that we conduct business here in case you have never been  
8 to a Zoning Board before, which we will ask you just to be nice and  
9 calm and just talk to us when you come up, or you may have been in  
10 other municipalities, and they may do things differently than we do.  
11 So what we will do is, as each case is called by our -- what's your  
12 title?

13 SECRETARY WAGNER: Secretary.

14 CHAIRMAN MAMMINA: Secretary, thank you. Sorry, I'm 72 now.  
15 No, I'm not quite yet, but I can't even remember that.

16 By Ms. Wagner, and when she calls that, we'll ask for the  
17 applicant to come forward up to the podium, and I will then announce  
18 the case and ask if we have anyone who might have interest in the  
19 application. That might mean you love it, you hate it, I'm just here  
20 for the information; that's all fine. We just look for a show of  
21 hands. If we have a lot of people, we'll pass along a sign-in sheet.  
22 So what we'll do then, at that point, the applicant themselves will  
23 then put their name and address on to the record, as everyone will  
24 do because we do take an official legal record.

25 This is a quasi-judicial hearing, and for that reason, that is  
26 the case. We will then ask them to put their case on the record,

1 and they'll say whatever they would like to say about the case. We  
2 will ask questions, up here, when that part is done, we'll just ask  
3 the applicant to have a seat, wherefore, and then we'll invite anyone  
4 up who wishes to speak. If that is the case, it will be the same  
5 procedure. They'll put their name and address onto the record.  
6 They'll put their feelings and points onto the record. They'll ask  
7 whatever questions they may have based on that, and then they will  
8 a have seat.

9       What we ask if we do have people who wish to speak on an  
10 application, that's extremely important, and we just try, and we'll  
11 underline the word try not to repeat ourselves, okay? If one says  
12 the school bus stops on that corner every day, then it's on the record  
13 that the school stops at that corner. If you want to say, but then  
14 Ms. Murphy comes zooming by to drop off her kids, you can say that  
15 as well if you'd would like to. We might ask relative to things or  
16 whatever. So it's a conversation back and forth. If anybody else  
17 does speak, then the applicant has the opportunity to come forward  
18 at that point, and the applicant will be the only person that gets  
19 to speak two times. So the applicant then will be able to either  
20 support or refute what anybody said. The Board will be able to ask  
21 questions again based on this additional testimony that's happened,  
22 and at that point, the hearing is over.

23       We virtually never have a second hearing, so today is the day.  
24 I mean, I've gone as an architect of villages where I've literally  
25 had ten over ten months. I see someone smiling in the front row who  
26 knows exactly what I'm talking about, and then they deny it, and so

1 it goes. What we'll do is we will do one of four things. We will  
2 either approve the application. We will deny the application. We  
3 may continue the application if the Board feels it's necessary or  
4 our legal counsel, Ms. Algios, if she -- if we would like to have  
5 a closing document, another survey that you've put on the record that  
6 you have. We might offer some compromise in terms of the application  
7 and what you're doing. We may want to go and see the property again,  
8 so it could be any number of reasons as to why we continue it. If  
9 we reserve the application, that's number four; that just means that  
10 the Board has all of the information that it needs, and we feel that  
11 we are equipped to make the decision.

12 Let me go back to continue, though, for a second. Many times  
13 we will continue a case if there are community members who feel that  
14 they need some time or someone in opposition they need some time to  
15 get together a document that the Board always feels is relevant to  
16 that, so we can continue for that reason as well.

17 So I guess with all of that said, we -- the applicant has as  
18 much time as they need. They're the applicant. If there's an  
19 attorney who will have testimony regarding another side of an issue,  
20 we'll give the attorney whatever space they need. It doesn't mean  
21 the attorney is more attorney than people from the neighborhood, but  
22 generally, we limit the testimony to three minutes. As I like to  
23 say, we're not chopping anybody's head off at three minutes, but if  
24 there are relevant points that we still need to put on the record,  
25 I mean, all of that is important to us, but we have to contain the  
26 hearing. Many times, this room is filled and people are out in the

1 hallway as well.

2           So the other thing just that I will ask is, you know, we have  
3 all of our electronic things, and that's okay, you know. You can  
4 have your electronic things. We just ask that you put them on silent.  
5 That's all. If you have to make or take a phone call, that's  
6 perfectly okay. Just scoot around however you want to scoot around;  
7 go out into the lobby area. No issue with that at all. And then  
8 also, if there's anyone who's going to be coming to the hearing who's  
9 not hear yet to join you, we just ask that you, kind of, whisper those  
10 things to them.

11           And then finally, that we make all best efforts to keep cross  
12 talk to zero only because our stenographer has to take the record,  
13 and many times, we as the Board have to remind each other that she  
14 can only put into the record one at a time what people are saying.  
15 So that's just a bunch of housekeeping things.

16           Deborah, did you get everything?

17           ATTORNEY ALGIOS: Yes.

18           CHAIRMAN MAMMINA: Okay, so we are all set. And Ms. Wagner,  
19 our secretary, are there any changes to this morning's calendar?

20           MS. WAGNER: Yes. We have an adjournment to July 17th of  
21 Appeal #21532, Petros and Alexandra Konidaris; 66 Quaker Ridge Road,  
22 Manhasset; Section 3, Block 145, Lot 94; Zoned: Residence-A.  
23 Variance from 70-31.A, to construct a garage addition that is too  
24 close to the side property line and with smaller than required total  
25 (aggregate) side yards. Again, that's adjourned to July 17th.

26           CHAIRMAN MAMMINA: Again, so if anyone is here for that

1 application, that will not be heard today, and you will receive a  
2 letter in the mail, correct? It's not a -- or would that be sent --

3 SECRETARY WAGNER: They will be regular mail.

4 CHAIRMAN MAMMINA: Okay, regular mail. That's what I mean.  
5 It's not going to be registered mail with the green slip and all of  
6 that, but you would certainly receive a letter, and also, of course,  
7 you can call the Zoning Office at any point, and you know, if there's  
8 a whispering in your neighborhood that it's not on and you haven't  
9 received that letter that would be the way.

10 Something else, Deborah?

11 ATTORNEY ALGIOS: Certainly, people will receive within the  
12 radius --

13 CHAIRMAN MAMMINA: Yes, yes, that's good to clarify. The  
14 people that are within the radius who received the legal notice this  
15 time will -- excuse me, the registered mail, would receive it again.  
16 Doesn't mean that everybody in the community is going to receive that.

17 ATTORNEY ALGIOS: It will repeat.

18 CHAIRMAN MAMMINA: Thank you for that clarification. So with  
19 that said, can we please call the first case?

1 SECRETARY WAGNER: APPEAL #21555, Justin and Nataly Hakimian;  
2 17 Winfield Terrace, Great Neck; Section 2, Block 373, Lot 1; Zoned:  
3 Residence-A.

4 Variance from 70-100.1A to legalize a gas fire pit and gas  
5 barbecue in a side yard.

6 CHAIRMAN MAMMINA: You've heard Appeal #21555, Justin and  
7 Nataly Hakimian. Is there anyone in the room interested in the  
8 application other than the applicant? Seeing no one. Please give  
9 your name and address and good morning, Mr. Farrell.

10 MR. FARRELL: Good morning, Mr. Chairman, Members of the Board.  
11 For the applicant, Justin and Nataly Hakimian, John Farrell with the  
12 firm of Sahn Ward Braff Koblenz Coschignano. Our offices are at 333  
13 Earle Irvington Boulevard, Suite 601, Uniondale, New York.

14 The subject property is located at 17 Winfield Terrace. That's  
15 on the southeast corner of Winfield Terrace and Hawthorne Lane. It's  
16 approximately 11,700 square feet in total lot area. It's a single  
17 family home, and it's located in a Residence A Zoning District.

18 What brings us here this morning is my client is seeking  
19 permission to install a gas fire pit and gas grill in what the Town  
20 Code defines as the side yard of the premises.

21 I think in 2012, the Town Board changed the Zoning Code to define  
22 the primary front yard, and they define primary front yard as the  
23 front yard with a narrower street frontage. So, in this case, that  
24 would be Hawthorne Lane, but if you look at this house, which was  
25 constructed in 1942, it was originally constructed so that the  
26 frontage was on Winfield Terrace. The front door is on Winfield

1 Terrace. The address is Winfield Terrace.

2 I don't think a developer, when developing this property, would  
3 have set it so close to the rear yard if they intended Hawthorne Lane  
4 to be the front yard, and actually, I believe that the house was  
5 developed in accordance with the zoning code as it existed at that  
6 time.

7 So, really, what we have is it's a definitional issue. I think  
8 if you look at the second part of the definition, for lots having  
9 equal frontage, the primary front yard shall be the front yard where  
10 the main entrance is established. In this case that would be  
11 Winfield Terrace.

12 All of the structures would be behind the property. There's  
13 really no other place to put it on the property. What would be  
14 considered the rear yard is the driveway and the garage, and there's  
15 only about 13 feet between the edge of the house and that side property  
16 line. So, really -- and then the other side is the secondary front  
17 yard, Hawthorne Lane, where they're trying to avoid putting anything  
18 in that secondary front yard.

19 So, really, this is an ideal location and honestly the only  
20 reason we're here is because the definition of the code was changed.

21 I do have consent from the two neighbors directly behind the  
22 dwelling and one neighbor across the street.

23 MR. PERROTTA: Thank you.

24 MR. FARRELL: I submitted a couple of copies for the Board to  
25 look at. I could also submit some aerial photos so you can get a  
26 layout, you can see how the house is situated on the property.



1 SECRETARY WAGNER: So the consents will be Exhibit 1 and the  
2 aerials will be Exhibit 2.

3 MEMBER DONATELLI: Is one of these consents from the neighbor  
4 that is directly adjacent to the proposed barbecue.

5 MR. FARRELL: Yes, that is the owner at 9 Hawthorne Lane, yes.  
6 That's the one directly behind it, and then the property owner  
7 directly behind 9 Hawthorne Lane is 15 Winfield Terrace, which we  
8 also have a consent from, and then we have directly across the street,  
9 we have a consent from 2 Winfield Terrace.

10 MEMBER GOODSELL: I only have one question. I'm the newest  
11 member of the Board. The number of times that I have sat here and  
12 heard Mr. Chairman say, you know, you can always plant arborvitae.  
13 I circled this property. Did your clients go to the Arborvitae store  
14 and buy out their entire stock? I have never seen -- and it does  
15 create a very nice and private oasis.

16 MR. FARRELL: Right.

17 MEMBER GOODSELL: I couldn't see anything into the backyard.  
18 I couldn't see anything gas fire. I can't imagine the neighbors  
19 would have a problem with it because they just can't see it.

20 MR. FARRELL: It's very well manicured, very well taken care  
21 of property. My clients take a lot of pride in their home and in  
22 the community.

23 CHAIRMAN MAMMINA: Okay.

24 MEMBER DONATELLI: For all intents and purposes, the way the  
25 house is situated, this really does function as a back yard even  
26 though definitionally, obviously, it's a side yard, and, yeah. I

1 do also note it does meet 10-foot side yard -- setbacks on what is  
2 that? The side yard. So I have no objections, and if are there no  
3 objections, I make a motion that we grant the application.

4 CHAIRMAN MAMMINA: Okay. We have a motion from Member  
5 Donatelli. And now second?

6 MEMBER GOODSELL: Second.

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

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Member Goodsell?

12 MEMBER GOODSELL: Aye.

13 SECRETARY WAGNER: Member Donatelli?

14 MEMBER DONATELLI: Aye.

15 SECRETARY WAGNER: Chairman Mammina?

16 CHAIRMAN MAMMINA: Aye. Application is granted.

17 MR. FARRELL: Thank you very much. Have a great day.

18 CHAIRMAN MAMMINA: Thank you, you too. Next case, please.

19

20

21

1 SECRETARY WAGNER: Appeal #21556, Nicholas Nissorios; 85 Dover  
2 Road, Manhasset; Section 3, Block 224, Lot 10; Zoned: Residence-A.  
3 Variance from 70-29.B to construct a one-story addition that  
4 would make the house too big.

5 CHAIRMAN MAMMINA: You've heard Appeal #21556, Nicholas  
6 Nissorios. Is there anyone in the room interested in the application  
7 other than the applicant? Seeing no one. Please give your name and  
8 address.

9 MR. WALLIN: Good morning, Mr. Chairman and Members of the  
10 Board. My name is Michael Jay Wallin. I'm a licensed architect  
11 having offices at 69 Roslyn Road, Roslyn Heights, and 58 Oakland Road  
12 in the Village of Huntington.

13 Today, I'm here to present to you a variance for the above  
14 previous mentioned property 8 Dover Road. I did the original house,  
15 and we're asking for -- actually, I can read this to you. It's a  
16 zoning classification RA. You have this sheet, but I could read off  
17 to refresh everybody's memory. The maximum permitted coverages  
18 2756.9. We have -- we're proposing to do 2078. The new code is 25  
19 percent. We're going to have 18.8 percent. The gross floor area  
20 is 3970, so the only thing we're asking for -- we're at -- with the  
21 addition, we're at 4008.7. That is 38.7, so it's under 40 square  
22 feet what we're asking for, okay?

23 And the reason we are doing so, the existing, right here, as  
24 you can see, there's a stair tower here. Now, I tried to -- client  
25 wishes and the size of the lot, we did bring it in under, but  
26 apparently we need this 38.7 square feet.

1           There's the front door here, and you should have a photograph  
2 in your packet. It's rather close to the stairs. I mean, I don't  
3 think there's a code issue, but it didn't lack -- it lacked a foyer  
4 space. So what we did is adding flat roof, okay? This area right  
5 here, okay? We're allowed to go here, but we're adding, like I said  
6 under 40 square feet, 38.7. It's a flat roof with decorative  
7 railing.

8           Once again, this is a reaction to this front door opening right  
9 onto the stairs. It's an unsafe condition. Plus, he really was  
10 lacking in terms of generous support.

11           What we're doing is, you can see, draw your attention to A101,  
12 okay? This shaded area shows we're adding on. Here's the original  
13 door, which is in town, and it's an obstruction into the stairs. It's  
14 really not the best, so we wanted to give the client a larger foyer  
15 so we're coming out 7 feet 2 inches, and we're going across 12, 10.  
16 We're going to reuse the existing front door. It's a nice round top  
17 front door.

18           You can see the elevation here. We're doing a flat roof to kind  
19 of reconcile that form with what's happening, minimizing the  
20 architecture on it. It has a decorative broad iron rail with the  
21 architecture. We have points and stucco and windows. Everything  
22 will match the existing house.

23           The front yard requires 35, but we have 49.8, so we're certainly  
24 good on that. The average front yard is 34.33, so that's not -- we're  
25 way beyond that, okay?

26           Side yard, we're proposed side of 20; 19.3 is what we are

1 required, okay?

2 The aggregate side yard is 29.3. We have 40.25, so we're  
3 certainly not 33 percent more than that.

4 Rear yard is not an issue, even though we do comply. The maximum  
5 height to the ridge is 30. We have an existing house at 30 but  
6 we're -- the height to the eaves is 19.75, which is where this flat  
7 roof is. Once again, we wanted to keep it flat.

8 We didn't need the area on the second floor. This is merely  
9 to just give a little more breathing room in front of those stairs.

10 The front yard pavement, we're allowed 1476. We have 33.7.

11 And the rear yard coverage is not an issue. It's 1300.8. We  
12 have 747. So, as you can see, this house, it's conformed in all  
13 respects except say for that 38.7 square feet that we need that I  
14 didn't do initially because we wanted as-of-right structure.

15 The house is built and they've been living in it and its stairs  
16 -- is just not -- they have children running up and down stairs. If  
17 someone opens up the door at the same time, it could be a problem.  
18 This does give us the space that we need for safety and also it affords  
19 my client a little more generous foyer in this market area. It's  
20 pretty typical, okay?

21 That concludes my presentation. You should have everything in  
22 your packet there. I'll be willing to answer any questions or take  
23 any comments from the --

24 MEMBER HERNANDEZ: I have one question.

25 MR. WALLIN: Yes, sir.

26 MEMBER HERNANDEZ: And then I'll ask you to go over the five

1 points of law that we use. But you answered in part my question.  
2 If this house was built very, very recently, and all you're adding  
3 is less than 40 square feet, why wasn't it down at the time? Why  
4 wasn't --

5 MR. WALLIN: Yes, that's a very good -- that's a good question.

6 MEMBER HERNANDEZ: If you built -- I saw this house go up. I  
7 live in that neighborhood.

8 MR. WALLIN: Yes.

9 MEMBER HERNANDEZ: I saw this house go up, and it seems to me  
10 that 40 square feet could have been shaved off somewhere else. You  
11 created a headache for yourself, but may not necessarily --

12 MR. WALLIN: I have 40 years of experience. I have done a lot  
13 of homes, and I should have seen this location, the front door  
14 adjacent to the stairs, and yes, we could have easily, on a two-story  
15 residence like this, we could have shaved, you know. It's less than  
16 one percent.

17 MEMBER HERNANDEZ: Yes, absolutely.

18 MR. WALLIN: And now we've come to the situation where the  
19 client wants to have this, you know, so short of redoing the whole  
20 stairs and if -- they're circular stairs. They were quite expensive.

21 We tried to fit everything in on that smaller lot.

22 CHAIRMAN MAMMINA: Mr. Wallin, I will say as an architect, I  
23 never make an oversight. I never make a mistake. I'm joking, of  
24 course. What we do is extremely complicated.

25 MR. WALLIN: Yes, it is. And the zoning. People don't realize  
26 how much -- what we do. What we have to do.

1 CHAIRMAN MAMMINA: There's no doubt about it.

2 MR. WALLIN: You know. I've done -- I don't know how many  
3 houses in the last 40 years.

4 CHAIRMAN MAMMINA: We should have lunch so we can complain to  
5 each other.

6 MR. WALLIN: Yeah, we complain, yes, that's right. But it is  
7 a nice house, and the client's been great but we need to really make  
8 a wrongdoing in terms of having this, you know, but it does help them  
9 in terms of the foyer once again. I think it's a nice complement  
10 to the rest of the house utilizing --

11 MEMBER DONATELLI: I have one question.

12 MR. WALLIN: Yes, sir.

13 MEMBER DONATELLI: As I look at the property new front door,  
14 is that going to a balcony up top or a railing?

15 MR. WALLIN: Just a railing. There's no access to it. There's  
16 no access to it at all.

17 MEMBER HERNANDEZ: Decorative.

18 MR. WALLIN: Yes, and flywheel was an easier way to make it  
19 reconcile its form to another. I didn't want to -- I wanted to keep  
20 the rod iron railing to keep the character of the house. No, there's  
21 no access to that whatsoever.

22 MEMBER HERNANDEZ: Except through a window.

23 MR. WALLIN: Well, yeah, I'm sure they don't allow --

24 MEMBER HERNANDEZ: I have the same thing in my house.

25 MR. WALLIN: They would fall under different restrictions for  
26 my railing and stuff, and I know that they wouldn't allow that,

1 obviously. You don't want people hanging out looking over the  
2 neighbor. I'm aware of that. We don't have that.

3 MEMBER HERNANDEZ: If you don't mind going over the five points  
4 of law, please.

5 MR. WALLIN: Well, I don't have those off the top of my head.

6 ATTORNEY ALGIOS: There's a list right there.

7 MEMBER HERNANDEZ: Should be there on the podium.

8 MR. WALLIN: I'm sorry, what am I looking at?

9 STEVEN PERROTTA: There should be a stack of --

10 MR. WALLIN: Oh, underneath here?

11 SECRETARY WAGNER: Unless the last person took it.

12 MR. WALLIN: The last person took it because I don't --

13 MS. WAGNER: No, it's gone.

14 CHAIRMAN MAMMINA: Mr. Wallin, Mr. Wallin.

15 MEMBER DONATELLI: I have them. If you want, I will read them  
16 to you.

17 CHAIRMAN MAMMINA: We'll coach you through it.

18 MR. WALLIN: Yes, sir. Thank you.

19 MEMBER DONATELLI: Just answer yes or no, nod, rap on the diet,  
20 whatever.

21 MR. WALLIN: Thank you.

22 MEMBER DONATELLI: Whether a desirable change will be produced  
23 in the character of the neighborhood or a detriment to nearby  
24 properties would be created by granting a variance.

25 MR. WALLIN: No, sir, I don't believe so. No, it's not going  
26 to be a detriment at all.



1 MEMBER DONATELLI: Whether the benefit sought by the applicant  
2 can be achieved by some other method that would be feasible but that  
3 would not require a variance.

4 MR. WALLIN: Not really based on where it is. Once again, we  
5 need the extra 38.7 square feet. There's nowhere else to put that.  
6 I mean, once again, we do comply with the setbacks and the heights,  
7 sky planes, all of that, lot coverage, but in planning, I don't  
8 believe there's anywhere else that we can -- I mean, we looked at  
9 several different ways. We did not want to go for a variance.

10 MEMBER DONATELLI: I think you already testified that you'd  
11 have to move the stairway to address the issue.

12 MR. WALLIN: Yeah, and that's a tower. It's a central element  
13 of the house. My clients want to keep it. I think it works well  
14 with the house. We're not hiding it, which is why we made it a flat  
15 roof, so we could still observe the tower, but, yes, it would  
16 require -- I mean, it's a very tight house based on the client's wishes  
17 and what they wanted, but we investigated other opportunities, other  
18 scenarios, and this was the best that we came up with.

19 MEMBER DONATELLI: The third point is whether the variance is  
20 substantial.

21 MR. WALLIN: I guess you can answer that. It's 38.7 square  
22 feet. I would say no. Once again, yes, to your point, we could have  
23 easily shaved that off initially, but we -- I'm here now asking for  
24 a relief of that.

25 MEMBER DONATELLI: Will the proposed variance have any kind of  
26 adverse environmental or physical impact?

1 MR. WALLIN: No, sir.

2 MEMBER DONATELLI: And the 5th one is whether the alleged  
3 difficulty is self-created?

4 MR. WALLIN: Well, it's not created by the client. I mean, they  
5 wanted -- I don't know how to answer this without incriminating  
6 myself, you know, but we -- it's just -- it won't happen again.

7 MEMBER HERNANDEZ: It's not a deadly answer.

8 MEMBER GOODSELL: It's not a criminal act.

9 MEMBER HERNANDEZ: Everything is effectively self-created  
10 because if you bought the house or you built it, so the answer has  
11 to be yes, it's self-created, but it's not deadly.

12 MR. WALLIN: Yeah, okay, thank you, sir.

13 MEMBER DONATELLI: Well done.

14 CHAIRMAN MAMMINA: I also like to give it my sheet of plywood  
15 test because we get a lot of floor area variances, and we look at  
16 them very carefully. I think there's someone else in the room who  
17 has used a similar kind of example. This is barely bigger than one  
18 sheet of plywood.

19 MR. WALLIN: Thirty-two square feet. That's good. I have 38  
20 square -- 32 square feet. We're asking for 6.71.

21 CHAIRMAN MAMMINA: And to chop 32 square feet off of an existing  
22 structure, to me, is, you know, it's -- that would be conformance  
23 for the sake of conformance.

24 MR. WALLIN: I appreciate it. Thank you.

25 CHAIRMAN MAMMINA: Okay.

26 MEMBER HERNANDEZ: Mr. Chairman, if there are no other

1 questions. I saw this house go up. It's a very nice house.

2 MR. WALLIN: Thank you.

3 MEMBER HERNANDEZ: It conforms to pretty much the rest of the  
4 houses in the neighborhood. It fits in. It doesn't look like an  
5 eyesore. It doesn't look any different. This will not essentially  
6 change the look of the house whatsoever.

7 MR. WALLIN: No.

8 MEMBER HERNANDEZ: And it will provide something for the client  
9 that --

10 MR. WALLIN: A little more space for -- and the safety factor  
11 of the stairs.

12 MEMBER HERNANDEZ: Obviously, an improvement to the use of the  
13 house. So I move that we grant the application.

14 MR. WALLIN: I appreciate that. Thank you.

15 CHAIRMAN MAMMINA: We have a motion by Member Hernandez.

16 MEMBER DONATELLI: Second.

17 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please poll  
18 the Board.

19 SECRETARY WAGNER: Member Goodsell?

20 MEMBER GOODSELL: Aye.

21 SECRETARY WAGNER: Member Donatelli?

22 MEMBER DONATELLI: Aye.

23 SECRETARY WAGNER: Member Hernandez?

24 MEMBER HERNANDEZ: Aye.

25 SECRETARY WAGNER: Chairman Mammina?

26 CHAIRMAN MAMMINA: Aye. Application is granted.

1 MR. WALLIN: Thank you. I guess the process I just follow up  
2 with a permit now?

3 SECRETARY WAGNER: You have to wait until we actually file the  
4 decision, and then -- so in about a week, week and a half, you can  
5 contact the Building Department.

6 MR. WALLIN: You draft a letter of resolution?

7 MR. PERROTTA: I'll send you an email.

8 MR. WALLIN: Well, thank you very much. Thank you for your  
9 time.

10 MR. PERROTTA: I'll be sending you an email in next week.

11 MR. WALLIN: Thank you.

12 CHAIRMAN MAMMINA: While we're not an aesthetic, it's very  
13 lovely. It blends right in.

14 MR. WALLIN: Thank you. I appreciate that.

15

1 SECRETARY WAGNER: Appeal #21563, Anastasios Zoitas; 147  
2 Aldershot Lane, Manhasset; Section 3, Block 231, Lot 1; Zoned:  
3 Residence-A.

4 Variances from 70-30.C & 70-30.B to legalize a covered porch  
5 converted to habitable space.

6 CHAIRMAN MAMMINA: You've heard Appeal #21563, Anastasios  
7 Zoitas? Is that how you saw it?

8 MR. JAMALYH: Zoitas, yes.

9 CHAIRMAN MAMMINA: Zoitas.

10 MR. JAMALYH: Good morning, ladies and gentleman. My name is  
11 George Jamalyh. I work for Hierarchy Architects at 7 Gaynor Avenue  
12 in Manhasset, New York. I'm here to represent our client Anastasios  
13 Zoitas at 147 Aldershot Lane in Manhasset, New York.

14 We're seeking an approval for a nonconforming front yard setback  
15 on a corner lot. We aim to maintain a pre-existing enclosed porch  
16 that was converted to a habitable space. The property was purchased  
17 in February of this year with nonconformity. Our client wishes to  
18 keep it and bring it up to date. So, considering the corner property,  
19 we're seeing a variance for on the north side on Chapel Road. We  
20 have setback, an average setback --

21 SECRETARY WAGNER: Please use the mic.

22 MR. JAMALYH: Sorry.

23 CHAIRMAN MAMMINA: You can slide that easel a little bit back  
24 toward you if you'd like.

25 MR. JAMALYH: So, on the north side of the property, which is  
26 considered the primary, which is the narrower side, we have an average

1 setback of 38.34 feet or 35 feet, whichever is greater. The current  
2 encroachment is 4.54 feet resulting in a setback 33.8 feet. On the  
3 east side of the property -- on the west side -- I'm sorry -- the  
4 east side on Aldershot Road. We have a minimum setback of 30 feet.  
5 Current encroachment is 5.2 feet resulting in a 24.8-foot setback.  
6 We don't believe this is self-created, it's not substantial, and it  
7 does not detriment the characteristics of the neighborhood. Our  
8 client would like to keep it if that's possible. This concludes --

9 CHAIRMAN MAMMINA: It's always self-created. Unless you're an  
10 American Indian.

11 MR. JAMALYH: Yeah.

12 CHAIRMAN MAMMINA: Who built this house and no streets in place;  
13 it's always self-created, but that's okay.

14 MR. JAMALYH: Yeah.

15 CHAIRMAN MAMMINA: That's not damning.

16 MR. JAMALYH: Yeah. Any questions?

17 MEMBER HERNANDEZ: You said your client bought the house,  
18 correct?

19 MR. JAMALYH: Yes.

20 MEMBER HERNANDEZ: Again, my neck of the woods. I live very  
21 close to this house.

22 MR. JAMALYH: Yeah.

23 MEMBER HERNANDEZ: Those houses were all built back in the  
24 1930s. For the most part, the area was developed, and they were all  
25 built with what was then, at the time, open porches, and all of those  
26 open porches encroach at some point or another, and someone enclosed

1 this and made it full --

2 MR. JAMALYH: Correct.

3 MEMBER HERNANDEZ: -- space. It's consistent with the  
4 neighborhood.

5 MR. JAMALYH: Yes.

6 MEMBER HERNANDEZ: You have gone through the five points of law  
7 indirectly. I don't see anything that would make this  
8 uncharacteristic.

9 MEMBER DONATELLI: I do have one question.

10 MEMBER HERNANDEZ: Sure, of course.

11 MEMBER DONATELLI: I'm sorry, are you an architect or work  
12 for --

13 MR. JAMALYH: Project manager. I work for Hierachy, TJ  
14 Costello.

15 MEMBER DONATELLI: Are you able to estimate for us what the cost  
16 would be of removing the porch?

17 MR. JAMALYH: Probably substantial.

18 MEMBER DONATELLI: Can you give us some idea?

19 MEMBER HERNANDEZ: Some numbers.

20 MEMBER DONATELLI: \$10,000? \$20,000?

21 MR. JAMALYH: Fifteen. Twenty.

22 MEMBER DONATELLI: And then there would probably be cost of  
23 remediating the house, the opening to the house --

24 MR. JAMALYH: Correct.

25 MEMBER DONATELLI: -- where this porch had been. So that in  
26 weighing the Five Factors, that would be a considerable --

1 MR. JAMALYH: Also, bringing the porch back to the porch,  
2 probably even more.

3 MEMBER GOODSELL: The other factor we discuss occasionally  
4 whether this is self-created or not. You mentioned your clients just  
5 bought this house.

6 MR. JAMALYH: Correct.

7 MEMBER GOODSELL: Which answers my question. I usually look  
8 at the deeds when somebody says we just bought this house. Prior  
9 to your clients purchasing, looks like it is in the same family since  
10 before 1992. There were a couple of deeds but they were back and  
11 forth in trust, so I do find it credible that they bought the house  
12 this way.

13 MR. JAMALYH: Yeah.

14 MEMBER GOODSELL: It's not as if they've owned it for 15 years,  
15 so in their favor, I do think that this was done by prior owners.

16 MEMBER HERNANDEZ: And again, I'm completely confident that  
17 structure was not added after the fact because those houses were built  
18 with those --

19 MR. JAMALYH: Yeah.

20 MEMBER HERNANDEZ: Like I said, they were open porches.

21 MR. JAMALYH: A lot of those houses are enclosed now, yeah.

22 MEMBER HERNANDEZ: And my own was enclosed by the time I bought  
23 it. Somebody had enclosed it and put some heat in there and  
24 everything, so given the fact that it does fit in nicely. It's not  
25 excessive. It's a minor encroachment. It's not a significant  
26 encroachment because it's only the corner. It's not even the whole



1 structure. It's a partial of the structure that is actually  
2 encroaching because of the way the street opens up. I move that we  
3 grant it.

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

5 MEMBER DONATELLI: Second.

6 CHAIRMAN MAMMINA: Motion Member Hernandez. Second Member  
7 Donatelli. Poll the Board.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSELL: Aye.

10 SECRETARY WAGNER: Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 SECRETARY WAGNER: Member Donatelli?

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Chairman Mammina?

15 CHAIRMAN MAMMINA: I would just like to -- not repeat what was  
16 said by Member Hernandez but just kind of punctuate it a little bit,  
17 in that it clips a corner of 198 square feet. The building complies  
18 in all other perspectives in terms of floor area, other setback, the  
19 whole nine yards, so, you know, of the 198 square feet, I think it's  
20 about 35 square feet maybe, so for that reason, I also vote, aye.

21 MR. JAMALYH: Thank you. Have a great day.

1 SECRETARY WAGNER: Next Appeal #21557, Weijing and Anthony  
2 Huang & Gao; 103 Bayview Avenue, Port Washington; Section 5, Block  
3 40, Lot 49; Zoned: Residence-C.

4 Variance from 70-47.1(B) to construct a new two-family dwelling  
5 on a lot that is too narrow.

6 CHAIRMAN MAMMINA: You've heard Appeal #21557, Weijing and  
7 Anthony Huang & Gao. Is there anyone in the room interested in the  
8 application other than the applicant? Seeing two, three hands, and  
9 you will have a -- you will be able to testify after the applicant.  
10 Please give your name and address.

11 MR. CHANG: This -- I'm George Chang. I'm architect for the  
12 project. My office is 28 School Street in Port Washington, New York.

13 My client bought this existing two-family dwelling on an  
14 oversized lot in the Residence C area with the intention of  
15 reconstructing this slightly dilapidated building to provide living  
16 space for both his adult son.

17 So with this one, we filed application. We meet all the setback  
18 requirement, all the building requirement except the existing lot  
19 for the existing two-family is five feet shorter than the  
20 maximum -- the minimum requirement for a two-family dwelling in a  
21 Residence C area.

22 We basically request a variance to keep the existing two-family  
23 use in this existing lot. That's basically what we are talking  
24 about.

25 MEMBER DONATELLI: Do you want to go over the Five Factors  
26 required to consider?

1 MR. CHANG: Excuse me, I did not hear you.

2 MEMBER DONATELLI: There are Five Factors that we're required  
3 to consider by law. If you want, I can read them to you. We do need  
4 you to address the Five Factors.

5 MR. CHANG: Okay. The requirement for two-family is over  
6 10,000 square feet in the lot area. This lot has over 10,000 square  
7 feet, and the side yard, we are making the building narrower than  
8 the current one to meet all the side yard requirements. The front  
9 yard, we setback furthermore than the current one to meet the front  
10 yard requirements. So basically, the only remaining issue is the  
11 width of the lot.

12 MEMBER DONATELLI: No, I understand. The width is 80 feet and  
13 your client's --

14 MR. CHANG: Seventy-five.

15 MEMBER DONATELLI: -- property is 75. I understand that.  
16 Perhaps I can read you the questions and try to answer them as best  
17 as you can. There are Five Factors that we're required to consider  
18 in granting or denying a variance. Let me read these to you, and  
19 if you can, try to them answer them as best as possible.

20 The first is whether an undesirable change will be produced in  
21 the character of the neighborhood if we grant a variance.

22 MR. CHANG: I don't believe so. The building will be a lot  
23 better than the current dilapidated.

24 MEMBER GOODSSELL: There is presently a two-family house there;  
25 is that correct?

26 MR. CHANG: There is an existing two-family house there.

1 CHAIRMAN MAMMINA: With a Certificate of Occupancy?

2 MR. CHANG: Excuse me?

3 CHAIRMAN MAMMINA: With a Certificate of Occupancy?

4 MR. CHANG: I believe it's a pre -- this is a pretty old  
5 building. So there's existing two-family with two address on that.

6 CHAIRMAN MAMMINA: Yeah, the question the Chairman is asking,  
7 do you have a copy of the Certificate of Occupancy for the two-family?

8 MR. CHANG: No, I don't have it with me.

9 SECRETARY WAGNER: It's in the file.

10 MEMBER DONATELLI: It's in the file, okay, all right. I'm  
11 advised it's in the file. Just give me one moment, please because  
12 I would like to take a look.

13 MEMBER GOODSELL: It does appear on public record, I did look  
14 at this, that in 1957 this was classified as a two-family. It's  
15 currently being taxed as a two-family.

16 While my colleague is looking, let me ask you questions. You  
17 indicated that your client would like to use this for family members;  
18 is that correct?

19 MR. CHANG: Correct.

20 MEMBER GOODSELL: Then why construct a two-family? Why not  
21 simply make one large one-family?

22 MR. CHANG: Because the reality of two adult children with new  
23 family, they prefer to have each one have their own separate living  
24 space and separate kitchen.

25 MEMBER GOODSELL: Let me ask you another question. If you are  
26 proposing to build -- to take this house down completely; is that

1 correct? And to build another two-family house, could it not be  
2 redesigned to meet setback?

3 MR. CHANG: Well, the issue is the current one has the roof  
4 framing low ceiling, and they like to have solid brick construction,  
5 so it last longer, therefore, I cannot keep the existing one to comply  
6 with their demand of let the building last longer than what is. Also,  
7 the height of the building; right now, the ceiling height is very  
8 low, so they want to increase to at least eight feet over.

9 MEMBER GOODSSELL: Are you going to use the existing foundation  
10 and the existing location?

11 MR. CHANG: Part of the existing foundation will be reused  
12 because we change the front setback to comply with the law and the  
13 side setback to comply with law, therefore, the front, rear, and the  
14 right-hand side will not be able to reuse. Only portion of the  
15 left-hand side can be reused.

16 (WHEREUPON, a discussion was held among Board Members.)

17 MEMBER DONATELLI: I'm checking the record. I do see a copy  
18 of the existing Certificate of Occupancy dating 1956 for two-family  
19 dwelling, so I do see that. Let the record reflect that.

20 MR. CHANG: Thank you.

21 MEMBER DONATELLI: So what is the depth of the lot.

22 MR. CHANG: It's a 126, I believe.

23 MEMBER DONATELLI: I believe it's 139.

24 MR. CHANG: Okay.

25 MEMBER DONATELLI: Do you know what is required by law?

26 MR. CHANG: It's 100, sir.

1 MEMBER DONATELLI: So it's 39 feet deeper.

2 MR. CHANG: Correct.

3 MEMBER DONATELLI: Than required by law, but it's five feet  
4 narrower.

5 MR. CHANG: Correct.

6 MEMBER DONATELLI: Than required by law. So I think you're  
7 addressing the Five Factors, which you may have addressed the first.

8 The second factor is whether the benefit sought by the applicant  
9 can be achieved by some other method that will not require a variance?

10 MR. CHANG: Unfortunately, no.

11 MEMBER GOODSELL: Not if you're going to reuse the same  
12 foundation.

13 MR. CHANG: Right.

14 MEMBER GOODSELL: Like redesign the house to comply with  
15 setback but.

16 MEMBER DONATELLI: It's not a setback issue. It is a width  
17 issue.

18 MEMBER GOODSELL: A width issue; that's correct.

19 MEMBER DONATELLI: Whether the proposed variance is  
20 substantial?

21 MR. CHANG: No, they have an existing two-family there.

22 MEMBER DONATELLI: And your testimony is that the five feet is  
23 not substantial.

24 MR. CHANG: Correct.

25 MEMBER DONATELLI: Whether the proposed variance will have some  
26 sort of the physical or environmental impact on the neighborhood?

1 MR. CHANG: No.

2 MEMBER DONATELLI: Do you want to expand on that?

3 MR. CHANG: Because right now, the existing condition more or  
4 less remain because the side yard the rear yard and the front yard  
5 in comply with the new law, and also, does not change characteristic  
6 of the condition.

7 MEMBER DONATELLI: Pretty much, it's a two-family now, and  
8 you're proposing to replace it with a two-family.

9 MR. CHANG: Correct.

10 MEMBER DONATELLI: Presumably it wouldn't, okay. And the  
11 fifth factor is, and I think I heard some people stamp on this.  
12 Whether the alleged difficulty is self-created?

13 MR. CHANG: Well, to answer that, I think the answer is yes  
14 because they bought the two-family assuming they can reconstruct it  
15 back to as a two-family. The answer for that question is yes they  
16 do create a problem by purchasing this two-family.

17 MEMBER DONATELLI: Is there anything else you to want add before  
18 we hear from the community?

19 MR. CHANG: No, I think that's all.

20 MEMBER HERNANDEZ: I have a question. I've been looking  
21 through your floor plans and you are -- you have designed essentially  
22 a one over one basically. Like two apartments. One stacked on top  
23 of the other.

24 MR. CHANG: Correct.

25 MEMBER HERNANDEZ: First and second floor, but there's also an  
26 open finished cellar already in the house that has a three-piece

1 bathroom, the laundry room, and it has what is defined as a wet bar,  
2 and it has access from the outside that I believe it's from the back  
3 of the house. I'm having difficulty -- but at least direct access  
4 from the outside. I'd like confirmation that is not going to be any  
5 kind of living space.

6 MR. CHANG: No, it's an entertainment area.

7 MEMBER HERNANDEZ: Sorry?

8 MR. CHANG: That's an entertainment area so they can have  
9 watching TV, things like that.

10 MEMBER HERNANDEZ: Well, it's, generally speaking, for an  
11 entertainment area, you don't put direct access to the outside. The  
12 access is only from the house which you have.

13 MR. CHANG: Well, to comply with the requirement of emergency  
14 rescue window or door, so we are putting in a door make it easier.

15 MEMBER HERNANDEZ: But it also makes it easier for someone to  
16 convert that into a livable space, and I just want to make it clear,  
17 and I want you to say that is not going to be livable space, and it  
18 will not be -- that outdoor access will not be used for that purpose.

19 MR. CHANG: Well, the client has a very successful business in  
20 other country, so there's no need to generate those kinds of income.

21 MEMBER GOODSSELL: And that is this owner.

22 MEMBER HERNANDEZ: I will ask the question one time. I want  
23 confirmation that this will not be used for that.

24 MR. CHANG: No.

25 MEMBER HERNANDEZ: Okay, thank you.

26 MR. CHANG: Thank you.



1 MEMBER DONATELLI: In further addressing Mr. Hernandez's  
2 point, there are some parts of town where there are some residents  
3 who might consider an illegal apartment in the basement that might  
4 look something very similar to this. While I understand that your  
5 client may be of means and may not be thinking of having an illegal  
6 tenant living in the basement, the point is we wanted your  
7 representation that this will not be done in this instance, and also,  
8 what might happen if there is an illegal tenancy that the Town could  
9 issue a violation, so it's best if we indicate these things honestly  
10 and openly and above board. Not that your client would intend to  
11 use such a thing, but this is the kind of structure that might give  
12 a rise to it.

13 MEMBER HERNANDEZ: An egress window will satisfy the  
14 requirement that you have a second egress in case of an emergency,  
15 so you could replace those stairs with an egress window. It will  
16 be perfectly legal and safe for the people watching TV downstairs  
17 or whatever.

18 MR. CHANG: Well, let me answer that question. It's easier to  
19 create or let's put it this way, it may be more cost effective to  
20 generate or create an emergency exit window with a 3-foot by 5-foot  
21 well, but the experience tell us, when it rains heavily, it's going  
22 to flood the basement. Therefore, it's not better egress-wise and  
23 safety-wise to have a door.

24 MEMBER HERNANDEZ: You ever put a drain with a well at the bottom  
25 of the stairs? You could easily put a drain near the well at the  
26 bottom of a window well, so there are pros and cons. The only thing

1 that I'm pointing out is that you're putting stairs there that's  
2 creating suspect of space being used downstairs while a window, an  
3 egress window, would not have that problem. You're creating a rental  
4 conflict for yourself. That's all I'm saying.

5 MEMBER GOODSSELL: We're also acknowledging that your client may  
6 have absolutely no intention --

7 MEMBER HERNANDEZ: Absolutely.

8 MEMBER GOODSSELL: -- of using this --

9 MEMBER HERNANDEZ: Absolutely.

10 MEMBER GOODSSELL: -- or converting this to any sort of  
11 apartment, but when your client finally leaves and sells the house,  
12 it stays with the house and the next person might not be so inclined.  
13 We are looking to limit at the very beginning possibility of an  
14 illegal apartment.

15 MR. CHANG: Well, if this serious concern because it's not the  
16 intention of my client, but if you're talking about future owner of  
17 the building, I cannot address that issue.

18 MEMBER GOODSSELL: I understand that, but look at what you have  
19 scheduled to go into the basement.

20 MEMBER HERNANDEZ: You have created the possibility.

21 MEMBER GOODSSELL: Exactly. You have a full bathroom. You  
22 have a laundry room and you have a wet bar. You have plumbing, and  
23 we've seen this before.

24 MR. CHANG: Well, if this is such a serious concern, I can advise  
25 my client to change the situation to create instead with egress  
26 window; if that is satisfy?

1 MEMBER GOODSSELL: This is one of the things that this Board is  
2 considering.

3 MR. CHANG: Okay.

4 MEMBER DONATELLI: Why don't we hear from the other members of  
5 the public.

6 MEMBER HERNANDEZ: Yes.

7 MR. CHANG: Okay, thank you.

8 CHAIRMAN MAMMINA: Thank you. So in whatever order.

9 MEMBER HERNANDEZ: Yeah, please come on up.

10 CHAIRMAN MAMMINA: You can come up. We appreciate that.

11 MR. SERIGNESE: Good morning. My name is Tim Serignese. I  
12 live at 104 Bayview Avenue, which is just across the street from the  
13 proposed property. Ms. Goodsell brings up a good point about the  
14 legacy that kind of is subsequent to the owner now that will be there  
15 afterwards. It is true that it's an as-of-right two-family right  
16 now.

17 This structure has been there and for the past year, it's been  
18 a little bit -- left derelict. Currently, the new owners haven't  
19 really been a good steward to the property; intermittently cutting  
20 the grass, letting things get overgrown to the point it was an  
21 eyesore. You know, perhaps that was an oversight.

22 I also wanted to inquire if the current owner lives in Port  
23 Washington now. I believe they do.

24 So you -- currently it is a two-family. The block is comprised  
25 of mostly houses constructed in the early 1900s, Side Hall,  
26 Colonials, Victorians, and I have no issue with another two-family

1 being constructed, but to change the actual -- to encroach upon  
2 zoning, which changes the fabric of the neighborhood; to bring the  
3 property closer to the street, which I believe is in the plans, I  
4 don't think it was addressed, really changes what the block embodies.  
5 And as it -- to Ms. Goodsell's point, they will change the fabric  
6 of the block, and then move on down the road where that legacy stays.

7 I currently own my own, and I plan to stay there for a long time  
8 and in fact leave it to my children. As far as, you know, someone  
9 saying they're going to build --

10 MEMBER GOODSSELL: Sir, have you been there long? Have been the  
11 owner on the street for a long time?

12 MR. SERIGNESE: Eighteen years, yeah. I believe, 18 years, 17  
13 years.

14 MEMBER GOODSSELL: Have you seen this home function as a  
15 two-family house?

16 MR. SERIGNESE: Yeah, yeah. I knew the tenants that live there  
17 currently. There's also, you know, something that I wasn't really  
18 sure about. They're leaving the curb cut. I don't think they're  
19 asking for another curb cut, and there's a large area behind the home.  
20 The property is deep. Actually, it's past where you need to be. You  
21 can house a lot of cars back there.

22 So I'm wondering why they don't want to go out to the back as  
23 opposed to why they want to come to the sidewalk, right? So it's  
24 going to leave more area for cars in the back, which could be used  
25 for other reasons. Maybe they're gonna be -- have people parking  
26 there to walk to the train. We're only a four-minute walk from the

1 train. But if you do -- if you do have a back yard, I would think  
2 you'd push back.

3 When I renovated my home, I pushed back. I didn't go towards  
4 the sidewalk. So those are some of my concerns.

5 CHAIRMAN MAMMINA: Just as information. They're not denied  
6 for the setback, so that means that they -- that could be their  
7 prerogative to build within that area.

8 MR. SERIGNESE: Where? In the back yard?

9 CHAIRMAN MAMMINA: Well, that's the next point I was gonna get  
10 to. If they're building on the existing foundation, you know, and  
11 we will invite the architect up again.

12 MR. SERIGNESE: No, I thought they were asking to go forward  
13 further.

14 ATTORNEY ALGIOS: No, their setback is compliant.

15 MR. SERIGNESE: Oh, okay.

16 MEMBER DONATELLI: The variance before us is for -- they're  
17 supposed to -- the Town Code requires two-families to be built on  
18 a lot that's 80 feet wide.

19 MR. SERIGNESE: Okay.

20 MEMBER DONATELLI: The lot is 75 feet wide. So it's the width  
21 of the lot. That is the reason why they're here before us. They're  
22 not violating the front yard setback. You can certainly pose the  
23 question. The applicant is here. Perhaps he can answer the  
24 question. There are times when this dialogue is very productive and  
25 the applicant might choose to change their plans according to what  
26 they've heard. But again, for purposes of today's hearing, it's

1 really the size of the lot. This lot is 75 feet. By law, it's  
2 supposed to be 80 feet for two-family.

3 MR. SERIGNESE: Got it.

4 CHAIRMAN MAMMINA: Also, it is my understanding from a few other  
5 ones like this that we've had, you know, I'll ask Ms. Wagner, correct  
6 me if I'm wrong, that when this house was constructed 75 feet was  
7 a legal width for a two-family house. Now, as soon as they knock  
8 it down, that's gone, you know, it evaporates, and that's the reason  
9 why then they would be here for that -- this variance. If they were  
10 to ask for -- they want to redo their kitchen and they want to change  
11 around the inside of the house and whatever, they wouldn't be here  
12 at all because it doesn't change the mass or bulk --

13 MR. SERIGNESE: Sure.

14 CHAIRMAN MAMMINA: -- of the house. So thank you very much.

15 MR. SERIGNESE: You're welcome.

16 CHAIRMAN MAMMINA: And as Member Hernandez -- I don't know who  
17 said it, but sometimes, the applicant will agree to push something  
18 back.

19 SECRETARY WAGNER: Is there anybody else?

20 CHAIRMAN MAMMINA: Yes, the gentleman up front here.

21 MEMBER HERNANDEZ: Good morning.

22 CHAIRMAN MAMMINA: Good morning.

23 MR. KRUEGER: Eric Krueger, 99 Bayview Avenue. I'm the house  
24 next door to them. As mentioned, this is a neighborhood of single  
25 family houses. A new large two-family house on the lot is not big  
26 enough to accommodate it.

1 CHAIRMAN MAMMINA: A little bit slower.

2 MR. KRUEGER: Oh, sorry. A new larger two-family house on the  
3 lot that's not big enough to accommodate it, is a density issue for  
4 the neighborhood.

5 CHAIRMAN MAMMINA: Just honestly, I'm not trying to give you  
6 a hard time.

7 MEMBER GOODSELL: Slow down.

8 CHAIRMAN MAMMINA: It's okay. When you're reading, we're all  
9 tempted to read faster.

10 MR. KRUEGER: No problem. It does not fit into the character  
11 of the neighborhood. The proposed plans for the three -- is three  
12 bedrooms, three bathroom each unit. Two households with a total of  
13 six or more adults are possible with the set up and again, it's a  
14 density issue. You mentioned about the cellar. I'm not gonna  
15 repeat that. But also, it brings a question about that attic where  
16 they're putting windows in and it looks like potentially that also  
17 could be converted into livable space.

18 CHAIRMAN MAMMINA: I looked very carefully at that myself  
19 because as soon as I see an attic that's that size that hasn't been  
20 disapproved by the Building Department, I look very hard at that,  
21 and right now, anyway, the access to the attic is from a pull down  
22 stair, which is where, quite honestly, I think it's a very awkward  
23 place for it to be, but that's where it is.

24 If they were to take out a bedroom or something in the future,  
25 they could probably get something in going up to the attic  
26 that's -- when they come in with a drawing the way they show the

1 drawing, and then the neighborhood would look for lights and things  
2 that are on up in the attic. There's just so far that the Zoning  
3 Board itself can go. But your comment is completely valid. I looked  
4 at it almost immediately.

5 MR. KRUEGER: Yes, thanks. The front raised terrace spans the  
6 entire width of the proposed home, injects into the front setback.  
7 So I don't know exact -- I'm not an expert on the --

8 CHAIRMAN MAMMINA: It's not denied for that.

9 MR. KRUEGER: Okay. The rear yard contains not only proposed  
10 14-foot by 21-foot garage but also is largely paved and proposes  
11 additional parking lot for a minimum for another three cars. The  
12 excessive paving will lend itself to additional cars being parked.  
13 Essentially, the proposed back yard is a large parking lot with no  
14 barrier between the houses.

15 So with this varies setback and everything like that, they could  
16 be that much closer to our house every time a car drives through,  
17 where the majority of all the houses have their garages in the front.

18 MEMBER HERNANDEZ: Has that yard been paved all along, or was  
19 it --

20 MR. KRUEGER: No, it has not been paved all along.

21 MEMBER HERNANDEZ: So it was done recently?

22 MR. KRUEGER: It's actually grass -- what happened is there was  
23 a barn in the back. They tore down the barn, and I believe illegally  
24 stated just, you know, having cars drive into the back and park onto  
25 the -- on what was a back yard.

26 MEMBER GOODSELL: Is that where the prior tenants parked when



1 it was being used as a two-family?

2 MR. KRUEGER: Yes.

3 MEMBER GOODSSELL: On the grass?

4 MR. KRUEGER: Not at the beginning when we were there. I've  
5 been there for over 20 years. That was something that happened more  
6 recently.

7 MEMBER GOODSSELL: Okay.

8 MR. KRUEGER: And, you know, again, with that two-family house,  
9 it seems like there were more than two families in the house.

10 MEMBER GOODSSELL: So noted.

11 MR. KRUEGER: There were times where they had seven cars.  
12 There was no party. There was no get-together. There was just for  
13 some reason seven cars back there.

14 The rear terrace is 15 feet and spans the width of the proposed  
15 house. It's same size second-story balcony is too large and looms  
16 over the surrounding houses. This impedes privacy and does not fit  
17 into the character of the neighborhood.

18 As I mentioned, it's not clear why the mason roof contains two  
19 large windows at each elevation; given that the plan calls for the  
20 pull stair to an unfinished attic.

21 You know, and what I would like to ask the question is what is  
22 the ceiling height of the attic? And concern that that space will  
23 also become finished sometime during or after construction.

24 MEMBER HERNANDEZ: Excuse me, I'm sorry. You just mentioned  
25 terraces and the second-floor terraces. I don't see how the -- on  
26 the plans -- no, wait, hold on.

1 CHAIRMAN MAMMINA: This is a terrace.

2 MEMBER HERNANDEZ: Found it. Got it. Thank you.

3 MR. KRUEGER: As proposed, this would be detrimental to the  
4 neighborhood and create an eyesore compared to the surrounding  
5 properties. As this is a new building, I believe, it should conform  
6 to all current requirements. Thank you for your time and  
7 consideration.

8 MEMBER DONATELLI: Thank you.

9 MEMBER HERNANDEZ: Thank you.

10 MEMBER DONATELLI: Anyone else?

11 CHAIRMAN MAMMINA: Hold on just one second while I look at this.

12 (WHEREUPON, a discussion was held among Board Members.)

13 CHAIRMAN MAMMINA: Your testimony is -- well -- your -- what  
14 is -- what is written says that you're using the existing foundation.  
15 Can you verify that you are using the existing foundation?

16 ATTORNEY ALGIOS: There's still someone who wishes to speak.

17 CHAIRMAN MAMMINA: Okay.

18 MEMBER HERNANDEZ: Do you want him to go first?

19 MR. KRUEGER: Did he answer? We didn't hear.

20 CHAIRMAN MAMMINA: What's that? Excuse me?

21 MR. KRUEGER: Did he answer the question?

22 CHAIRMAN MAMMINA: No, no, no. That's why I want -- I want him  
23 to answer that question.

24 MEMBER HERNANDEZ: There's someone else that wants to speak.

25 CHAIRMAN MAMMINA: Yeah, we'll let him speak.

26 MEMBER HERNANDEZ: He's gonna have to come back up again, and

1 speak a second time.

2 CHAIRMAN MAMMINA: Then he'll come back again.

3 MR. CHANG: So let me address the parking question.

4 CHAIRMAN MAMMINA: No, no, no let's do the foundation first,  
5 and then we'll go to the parking.

6 MR. CHANG: We'll reuse whatever portion of the foundation we  
7 can reuse.

8 CHAIRMAN MAMMINA: What does that mean?

9 MR. CHANG: Because when the front yard setback increase, so  
10 the existing front foundation is not reusable because we set the house  
11 back further. The right-hand side because the same setback issue,  
12 so we cannot reuse that. The rear yard -- the rear foundation we're  
13 pushing it back, so we're keeping whatever we can use on the left  
14 hand side of the existing foundation.

15 CHAIRMAN MAMMINA: But it's misleading in the narrative to say  
16 that you're using -- that you're reusing the foundation.

17 MR. CHANG: We say reuse portion of the foundation.

18 CHAIRMAN MAMMINA: You're saving one wall.

19 MEMBER HERNANDEZ: Right.

20 CHAIRMAN MAMMINA: Now, I know you may be thinking of New York  
21 City. I don't know if you practice in New York City, but if you  
22 maintain one wall in New York City, you keep all of your existing --

23 MR. CHANG: No, the City law is different than that.

24 CHAIRMAN MAMMINA: No, I know it's different, but sometimes  
25 people who practice regularly in the City -- most of my practice is  
26 in the City, but that's okay. You got it on the record.

1           Let me ask this question. If you're doing all of this work and  
2 saving one wall, why can't the house move over and be centered on  
3 the lot rather than push to one side?

4           MR. CHANG: We have to comply with the side yard setback  
5 requirements.

6           CHAIRMAN MAMMINA: Okay, but you're here for variances.

7           MR. CHANG: Yes, so if I relocate the house to the center of  
8 the property with the same dimension, I have no problem to adjust  
9 that. I don't think my client will have any objection to that either.

10          SECRETARY WAGNER: But would you require a variance for the  
11 setback for the --

12          MR. CHANG: Yeah, that would be another variance required.

13          ATTORNEY ALGIOS: What he's saying is --

14          MEMBER HERNANDEZ: Seventy-five feet is still 75 feet. So he  
15 needs the 5-foot variance no matter what.

16          SECRETARY WAGNER: Right, he's going to need that no matter  
17 what.

18          MEMBER HERNANDEZ: He doesn't have a side yard problem.

19          MS. WAGNER: Right now, he complies.

20                   (WHEREUPON, a discussion was held among Board Members.)

21          SECRETARY WAGNER: We're going to hear from the other person.

22          CHAIRMAN MAMMINA: My apologies for missing that person.

23          MR. CHANG: Because if the stipulation is to relocate a building  
24 to the center, I don't see any reason for my client to object.

25          CHAIRMAN MAMMINA: Okay, we'll -- let's hear from this other  
26 young lady here.

1 MS. SERIGNESE: Hi. Dawn, 104 Bayview Avenue. I just want a  
2 little clarification on the first setback. They're not asking for  
3 a variance on the first setback. Currently, it's about 30 feet from  
4 the sidewalk to the house, which aligns with all the other homes on  
5 that side of the street, and it's staying that way?

6 CHAIRMAN MAMMINA: No, it's gonna be 36 feet now.

7 MS. SERIGNESE: Oh, they're going back?

8 CHAIRMAN MAMMINA: They're going back, and also, and I don't  
9 remember who testified and I understand it. It says front raised  
10 terrace, okay. But that part is down at the ground, as I read the  
11 drawings and that's grass. There is a -- coming up into the house,  
12 there's whatever, five or six steps, then there's a flat --

13 MEMBER HERNANDEZ: A landing.

14 CHAIRMAN MAMMINA: -- a landing. There's a little portico.  
15 That's over that, but even the portico is setback 32 feet.

16 MS. SERIGNESE: Okay.

17 CHAIRMAN MAMMINA: And that's only eight feet.

18 MS. SERIGNESE: That was the -- it's very difficult to read the  
19 plans online.

20 MEMBER HERNANDEZ: It's very difficult to read, and there is  
21 a big balcony, but the balcony is in the back of the house.

22 CHAIRMAN MAMMINA: Right.

23 MEMBER HERNANDEZ: Not in the front of the house. The  
24 gentleman was the one that brought up the balconies because I couldn't  
25 find them. It was in the back of the house. We were focusing on  
26 the front of the house.

1 MS. SERIGNESE: Okay, I was just wondering about the setback.  
2 Thank you.

3 CHAIRMAN MAMMINA: Thank you. What I will do, which we  
4 normally don't do, but with that clarification, sir, I would give  
5 you the opportunity to come on back up. I want to make sure you  
6 understand --

7 MR. KRUEGER: Yes.

8 CHAIRMAN MAMMINA: -- what that is.

9 MR. KRUEGER: Okay, go ahead.

10 CHAIRMAN MAMMINA: So if you go to drawing T102. Probably  
11 towards the front. After the A's?

12 MR. KRUEGER: Actually, everything has an A.

13 CHAIRMAN MAMMINA: This is -- it's right there in the lower,  
14 T102. Take your time. It's okay.

15 MR. KRUEGER: Plans over here start with P101. There's S104.  
16 I done see any T's.

17 MEMBER HERNANDEZ: You said, A102?

18 MR. KRUEGER: A102, yes.

19 MEMBER HERNANDEZ: If you look at A --

20 MR. KRUEGER: Oh, you said T what?

21 MEMBER HERNANDEZ: T102.

22 MR. KRUEGER: T102, yes.

23 MEMBER HERNANDEZ: You found it.

24 CHAIRMAN MAMMINA: If you look at T102 and I'm going to ask the  
25 applicant to verify this. If you look at T102, and you look at where  
26 the front property line is, and then you move back toward the house.

1 MR. KRUEGER: Yes.

2 CHAIRMAN MAMMINA: There is a note that says front raised  
3 terrace.

4 MR. KRUEGER: Yes.

5 CHAIRMAN MAMMINA: But that's not a terrace. I'm going to  
6 verify that because I don't see it on any of the drawings. What he's  
7 referring to is that where the letter F is there on the front raised  
8 terrace, the back part of that, the vertical part to F touches a little  
9 portico that's in front of the house and then a landing, where it  
10 says 8-feet.

11 MR. KRUEGER: Yes.

12 CHAIRMAN MAMMINA: In there. So that's open to the sky and  
13 that's it. There are no terraces on the side of that entry. I might  
14 not have labeled as that, but that's okay. There's no right or wrong.  
15 Your terrace, the only terrace that there is that's in the back of  
16 the house where it says PROP, which is proposed raised  
17 terrace/balcony.

18 MR. KRUEGER: Correct.

19 CHAIRMAN MAMMINA: I would have just said terrace because  
20 there's no balcony.

21 MR. KRUEGER: No, but I think the intent here is they're doing  
22 two levels of the --

23 CHAIRMAN MAMMINA: He has another on the top?

24 MEMBER HERNANDEZ: Yeah, he --

25 MR. KRUEGER: Yeah, each one --

26 MEMBER HERNANDEZ: Off of each floor.

1 MR. KRUEGER: Which would create an eyesore and basically is  
2 not similar to anything anybody else has.

3 CHAIRMAN MAMMINA: But it's in the back of the house on the --

4 MR. KRUEGER: Well, it's at the front of the house. The people  
5 on the street on Monroe because he basically has that and it's  
6 basically my house.

7 MEMBER HERNANDEZ: It's in the back yard.

8 MR. KRUEGER: Yeah, but there's a house right across from --

9 MEMBER HERNANDEZ: It's in the back of the house, so yes, you  
10 will see from the back of your house if you're behind them.

11 MR. KRUEGER: Yes.

12 MEMBER HERNANDEZ: But it's not changing the character of  
13 neighborhood because the character of the neighborhood, we look at  
14 the street level. At the street level, you don't see the balcony  
15 in the back of the house.

16 MR. KRUEGER: Right, but the houses on Monroe would. Were they  
17 given notice of this? 'Cause it's unclear that it's a two raised  
18 balcony, so the houses that are on Monroe would be for the front of  
19 their houses.

20 CHAIRMAN MAMMINA: It's gonna be to the back of their house.

21 MR. KRUEGER: Yeah, the back of the house basically leads to  
22 another street that is a dead end.

23 CHAIRMAN MAMMINA: Yeah.

24 MEMBER HERNANDEZ: A dead end from the back of the house.

25 MR. KRUEGER: In the back of the house.

26 CHAIRMAN MAMMINA: Just in terms of trying to explain it. I



1 can't say from a perspective of floor area, you know, but  
2 theoretically, he could be building this house as a back wall of the  
3 house where that -- he could push this whole house back further  
4 because he has a very deep lot. I don't think the architect would  
5 want to do that or the owners want to do that.

6 MEMBER HERNANDEZ: Right.

7 CHAIRMAN MAMMINA: You're eating up the whole back yard by doing  
8 that.

9 MR. KRUEGER: No, he probably doesn't seem to guess it's -- the  
10 whole back yard is going to be a parking lot.

11 CHAIRMAN MAMMINA: He requires four cars; four legal cars.

12 MEMBER HERNANDEZ: Four legal parking spaces.

13 CHAIRMAN MAMMINA: Four legal parking spaces, so he's got three  
14 that are at that back area, okay. We'll go back to T102, all right.  
15 So he's got three back at the northwest corner of his property, and  
16 then he's got a garage that's there. Now, can he stack cars in there?  
17 Yeah, he can, but when there's a party at my house, I stack cars  
18 wherever I can.

19 MR. KRUEGER: Party is fine, but the intent I think here is that  
20 it's going to be a lot of people living in the property and these  
21 cars are gonna be there constantly.

22 CHAIRMAN MAMMINA: That's why he requires four cars because on  
23 a -- on a one family house, you require two cars.

24

25 MR. KRUEGER: Yes, understood.

26 MEMBER HERNANDEZ: Two spaces.

1 CHAIRMAN MAMMINA: So he's complying with the zoning.  
2 Hopefully, everybody understands because, you know, and look, this  
3 is what we do all the time, and you don't.

4 MR. KRUEGER: Yes.

5 CHAIRMAN MAMMINA: So that's okay, and I'm sure whatever you  
6 do, you're very good at you, and you could try to explain to me and  
7 I might not understand still, but he can -- we can only look at what  
8 he's here for, and he's here because the lot is 75 feet wide instead  
9 of 100.

10 MEMBER DONATELLI: Instead of 80.

11 CHAIRMAN MAMMINA: Excuse me, 80, I'm sorry.

12 MR. KRUEGER: All right.

13 CHAIRMAN MAMMINA: So he's short by five feet.

14 MR. KRUEGER: Okay.

15 (WHEREUPON, a discussion was held among Board Members.)

16 MEMBER DONATELLI: Sir, is there anything else that you would  
17 like to add?

18 MR. CHANG: No, at this moment, I just want to clarify. We are  
19 setting the building further back, not push it to the front, so we  
20 can address those questions. You already explained the parking  
21 situation that we require to have four cars.

22 MEMBER DONATELLI: Do you want to state that?

23 SECRETARY WAGNER: We just want to let you know that there was  
24 one additional letter of opposition that was sent to the Board today,  
25 so we will send that to you.

26 MR. CHANG: Okay.

1 MEMBER DONATELLI: So I understand that a member of the public  
2 wants to add something else. While again, this is unusual. I think  
3 it's important that everyone be heard. So if you don't mind, we're  
4 going to hear from this gentleman again, and then you'll be invited  
5 up again if you'd like.

6 MR. CHANG: Okay, thank you.

7 MR. SERIGNESE: Thank you for making that accommodation. I  
8 just wanted to ask you --

9 MEMBER DONATELLI: I'm sorry, name and address again.

10 MR. SERIGNESE: Sure. Tim Serignese, 104 Bayview, Port  
11 Washington. I just wanted to ask if anybody on the Board has driven  
12 down the street to view the street?

13 MEMBER DONATELLI: Yes.

14 MEMBER GOODSELL: We all do.

15 MEMBER DONATELLI: We all do.

16 MEMBER GOODSELL: We all look at our properties.

17 MR. SERIGNESE: And I appreciate that.

18 CHAIRMAN MAMMINA: Member Donatelli lives in Port Washington,  
19 so he is very --

20 MR. SERIGNESE: Would you agree that the structure  
21 aesthetically doesn't really fit in with what the houses on the  
22 street --

23 CHAIRMAN MAMMINA: We can't comment on that.

24 MR. SERIGNESE: But I gotta state my opinion then.

25 CHAIRMAN MAMMINA: No, no, no, of course, you can, but you have  
26 to understand it's like what I was staying before, you know, and I

1 was not making fun of anybody or anything. I was trying to make you  
2 understand when I said, well, the school bus still comes two blocks  
3 down and they stop there. We don't have any power, you know, over  
4 here. Our power is limited only to the fact that this lot is 75 feet  
5 wide instead of 80. If the Town had an architectural review Board,  
6 many villages have architectural review boards, but they've only got,  
7 I don't know, 1000 houses in their whole municipality. We have tens  
8 of thousands, you know, so we have no aesthetic control.

9 MR. SERIGNESE: Got it.

10 MEMBER HERNANDEZ: Whether we like it or not, it's irrelevant.

11 MR. SERIGNESE: So they're asking for a variance to essentially  
12 to change what's there now?

13 CHAIRMAN MAMMINA: Not the house.

14 MR. SERIGNESE: Right.

15 CHAIRMAN MAMMINA: Just 75 feet; should have been 80, based on  
16 the zoning now.

17 MR. SERIGNESE: Right.

18 SECRETARY WAGNER: They could renovate the house that they have  
19 now without coming to the Board.

20 MR. SERIGNESE: The existing, right.

21 SECRETARY WAGNER: Because it's an existing two-family. The  
22 fact that it is now classified as a new dwelling is the reason why  
23 they have to come back.

24 MR. SERIGNESE: Right.

25 SECRETARY WAGNER: Because the lot itself is nonconforming.

26 MR. SERIGNESE: Right.

1 MEMBER HERNANDEZ: What we need to cope with is the fact that  
2 there is an existing two-family home there now.

3 MR. SERIGNESE: Right.

4 MEMBER HERNANDEZ: At 75 feet.

5 MR. SERIGNESE: Right.

6 MEMBER HERNANDEZ: So we can't just say now, arbitrarily, you  
7 can't have a two-family home there.

8 MR. SERIGNESE: I'm not saying that. I'm saying what they're  
9 building is gonna look completely different from what's there, and  
10 also, completely in contradiction to everything that's on the street.  
11 So if they bought the house, renovate the house, and keep it as it  
12 is, and make it -- and upgrade it. But I think the intention is not  
13 what they're stating, and the plans and the ability to add other  
14 dwelling spaces. But I -- the most important thing is if they're  
15 gonna -- you bought the two-family and make it -- if it's still a  
16 two-family -- I'm not saying that it's conforming, but they're asking  
17 for a variance to make it bigger and different, and thus also not  
18 aesthetically pleasing.

19 MEMBER HERNANDEZ: The variance is not to make it bigger and  
20 different. The variance is to build a two-family house that conforms  
21 in all the conditions except for the lot side.

22 MR. SERIGNESE: Very good.

23 MEMBER HERNANDEZ: Yeah, sorry.

24 MR. SERIGNESE: Thank you.

25 MEMBER DONATELLI: Sir, did you want to address anything else?

26 MEMBER HERNANDEZ: You don't have to.

1 MEMBER DONATELLI: You don't have to.

2 MR. CHANG: I think everything has been addressed.

3 MEMBER DONATELLI: So hopefully you've heard some of the  
4 neighbor's comments, and you've expressed some flexibility and part  
5 of this process is to hear your neighbors and of course to hear the  
6 applicant. I would like to propose if you would perhaps consider  
7 this. I think it might be a little bit more palatable to the  
8 neighbors and to this Board.

9 Would the applicant consider changing the plans to close that  
10 egress into the basement and to instead have an emergency egress  
11 window in place of those steps?

12 My second question is, if the applicant would consider, since  
13 you're not going to be using a substantial part of the foundation;  
14 would the applicant consider centering the house on the lot so that  
15 it would have equal distance between the two neighbors?

16 MR. CHANG: Most of them can be agreed.

17 MEMBER DONATELLI: So the applicant would consider that?

18 MR. CHANG: Yes.

19 MEMBER DONATELLI: Mr. Chairman, what I would suggest is,  
20 because we listen to our neighbors and we try to address their  
21 concerns, what I would suggest, we continue the hearing for the  
22 applicant to submit new plans showing those two changes, and then  
23 at that point we will consider the application at that point.

24 MR. CHANG: Okay.

25 CHAIRMAN MAMMINA: Okay.

26 MR. CHANG: All right, thank you.

1 MEMBER DONATELLI: Thank you for your flexibility and members  
2 of the public, thank you for coming out and for being heard.

3 CHAIRMAN MAMMINA: We will continue this case in order to  
4 receive amended plans.

5 SECRETARY WAGNER: If you want to find out the results of the  
6 application, there won't be another hearing. You're going to submit  
7 revised plans. You can call the Boarding Zoning Appeals office.  
8 You can look at those plans if you'd like, and then there's a small  
9 window from when they submit them, but it won't be a decision until  
10 there's another hearing. Not another public hearing but another  
11 meeting of this Board. They will make a decision. It's called, we  
12 put on the reserve calendar, so they may submit revised plans and  
13 then the Board will not make a decision on those until we have another  
14 meeting.

15 MR. KRUEGER: Will we have a chance to review those plans?

16 SECRETARY WAGNER: You can call the office to see if they're  
17 submitted.

18 MR. KRUEGER: Thank you very much.

19 CHAIRMAN MAMMINA: You can look at them, but there can be no  
20 further comment, you know, on them, so, yes, of course.

21 SECRETARY WAGNER: No, no, no, we're continuing.

22 ATTORNEY ALGIOS: You can, yes.

23 MEMBER HERNANDEZ: No, they can comment. We're continuing.

24 CHAIRMAN MAMMINA: Oh, we're continuing, so I guess, so, sure.  
25 I'm wrong.

26 ATTORNEY ALGIOS: You can write your comments in an email.

1 CHAIRMAN MAMMINA: Thank you, Deborah.

2 MEMBER DONATELLI: So we'll continue first then for new plans.

3 CHAIRMAN MAMMINA: Yes, we're continuing for new plans and see  
4 if there's any further public comments.

5 (WHEREUPON, at this time, there was a brief pause in the  
6 proceeding.)

7 CHAIRMAN MAMMINA: We're just going to take like three minutes.

8 (WHEREUPON, there was a recess taken in the proceeding.)

9



1 SECRETARY WAGNER: Next Appeal #21550, Sean Conroy; 7 Lincoln  
2 Place, Port Washington; Section 5, Block 41, Lot 4; Zoned:  
3 Residence-C.

4 Variances from 70-46.A, 70-52.6, 70-52.3(C) (3) and 70-208.F to  
5 construct a bathroom addition in a pre-existing nonconforming attic  
6 that will make the home too tall, with eaves that are too high, and  
7 which pierces the sky exposure plane.

8 CHAIRMAN MAMMINA: You've heard Appeal #21550, Sean Conroy.  
9 Is there anyone in the room interested in the application other than  
10 the applicant? Seeing no one. Please give your name and address.

11 MR. MIGATZ: Bruce W. Migatz, law firm Albanese and Albanese,  
12 1050 Franklin Avenue in Garden City, New York. Good morning, Members  
13 of the Board.

14 CHAIRMAN MAMMINA: Good morning.

15 MR. MIGATZ: I have pre-marked Exhibits 1 through 7 in a binder.  
16 I have a copy for each member of the Board and one for the record.

17 STEVEN PERROTTA: Thank you, sir.

18 MR. MIGATZ: The applicant that is Sean Conroy is present with  
19 me, with his wife, Ann. They are the owners of the subject property,  
20 and Don Alberto, the project architect is also here.

21 Exhibit 1 in your binder is a photograph of the existing house.  
22 That's the blue house that's in the middle of the photograph. It's  
23 a single-family dwelling constructed in 1913 in a Residence C Zone.

24 Exhibit 2 is the Nassau County Department Assessment Property  
25 Card that details the house being constructed in 1913.

26 Exhibit 3 is an April 24, 1997, Certificate of Completion to

1 convert the one-family house to a two-family house.

2 Exhibit 4 is the decision of this Board on May 20, 2020, Appeal  
3 #20903, to maintain a finished attic as a primary bedroom.

4 Exhibit 5 is the Certificate of Completion to maintain that  
5 finished attic.

6 And Exhibit 6 is the Certificate of Approval for the sprinkler  
7 system that was installed.

8 The applicant purchased the property in January of 2021. They  
9 proposed to add a small bathroom off of the existing primary bedroom  
10 in the attic, so it's an expansion of the attic. If you look at the  
11 picture, Exhibit 1, the proposed extension is on the right side of  
12 the house, which is behind the doghouse dormer. There are two  
13 doghouse dormers; one on the front, one on the side. They are both  
14 for the existing primary bedroom, and the proposed bathroom would  
15 be constructed to the rear of the doghouse house dormer on the right  
16 side of the premises.

17 So variances are required. That's why we're here. The  
18 Building Department site 72AF, enlargement of a nonconforming attic,  
19 70-46A for height. Permitted height is 30 feet, and the proposed  
20 height for the bathroom is 31.09. 70-52.6 eave height permitted 22  
21 feet; proposed 28.46. And lastly, 70-52.3C.3 for sky exposure  
22 plane.

23 Going through the balancing tests. The benefit to the  
24 applicant is to not have to walk down a flight of stairs to go to  
25 the bathroom. That is the reason for the application to add a  
26 bathroom off of the primary bedroom, which is of course, typical in

1 most modern houses.

2       What is a detriment to the community? Will there be an  
3 undesirable change in the character of the neighborhood? This kind  
4 of ties into the other factor, are the variances substantial? This  
5 is a minor addition. It's 140 square feet gross floor area.  
6 Chairman likes to use as an analogy a sheet of plywood. I like to  
7 use as, you know, a parking space. Your typical parking space that  
8 you always complain I can't open the doors to my car and get out  
9 because it's too small is 10 by 20. That's 200 square feet. So this  
10 addition is a little more than half of your typical parking space.  
11 So it is -- I submit to you a minor addition.

12       The house still complies with gross floor area. There is quite  
13 a bit under. The variance for height is only 1.09 feet, and the  
14 addition has been designed to match the height of the existing  
15 dwelling, which has a ridge height of 31.09. It's a minor 1.09-foot  
16 variance, and it's consistent with what is existing.

17       Sky exposure plane; if you have look at Exhibit 7, I have  
18 highlighted in yellow the portion of the building that encroaches  
19 into the sky exposure plane. I would submit to you that it is de  
20 minimus. In fact, the plans examiner did not even pick up on that,  
21 and Mr. Alberto brought it to his attention, and that's why there  
22 is a revised disapproval notice adding the sky exposure plane.

23       But I think Exhibit 7 shows that is definitely de minimis, not  
24 substantial, and would not have an adverse impact on the  
25 neighborhood. The eave height mathematically is substantial. The  
26 code allows 22 feet; proposes 28.46 feet. But the eave height of

1 the existing doghouse dormer is nonconforming. That is 27 feet, and  
2 that is shown on the elevation plans. So the attic is roughly in  
3 line with the eave height of the existing building.

4 Can the benefit sought by the applicant be achieved by some other  
5 means feasible other than a variance? Well, we need a variance to  
6 have the attic expansion. That cannot be obviated. The height, it  
7 is feasible to lower that roof by 1.09 feet, but Mr. Alberto thought  
8 in his opinion that it would be more -- be a better design if the  
9 height was uniform with the existing height of the building. The  
10 eave height cannot be -- we cannot avoid that variance.

11 The variance will not have an adverse impact on the environment.  
12 It's a type-two action under SEQRA, which is deemed not to have an  
13 adverse impact on the environment, and the difficulty as a matter  
14 of law is self-created.

15 We do have a consent from the adjacent neighbor on the south,  
16 which is the neighbor which borders that property where the bathroom  
17 would be constructed. They're the ones that would be most impacted,  
18 if any impact at all, and they have consented to the application and  
19 I will submit that consent form as Exhibit 8.

20 MR. PERROTTA: Thank you, sir.

21 MR. MIGATZ: Thank you. That's our presentation. If you have  
22 any questions, I'm here to answer them, and so is Mr. Alberto.

23 MEMBER GOODSSELL: Mr. Migatz, you mentioned that this house is  
24 now a legal two-family house?

25 MR. MIGATZ: No, it's converted back. Thank you for bringing  
26 that up.

1 MEMBER GOODSELL: It was converted back to a one-family?

2 MR. MIGATZ: Converted back to a one-family.

3 MEMBER GOODSELL: Because I was looking at the floor plans, and  
4 I could not figure out which unit was which, but it's now a legal  
5 one-family; is that correct?

6 MR. MIGATZ: Yes. The C of C to legalize the attic states and  
7 also to convert it back to a one-family.

8 (WHEREUPON, a discussion was held among Board Members.)

9 MEMBER GOODSELL: The other thing that I'm looking at, Mr.  
10 Migatz, is Google Earth. I see that there is a heavy tree foliage  
11 presence behind the house. What is behind that? Is there another  
12 block -- another residence to the rear of this house?

13 MR. MIGATZ: Yes, this addition will not go all the way back  
14 to the end of the building.

15 MEMBER GOODSELL: No, I see that. So, really, in my mind, it  
16 would only be present -- only be visible for the house on either side  
17 of number seven.

18 MR. MIGATZ: Well, only on the right side of number seven, which  
19 is number nine, which has consent to. The opposite side, the north  
20 side is not visible, and from the street, if you look thereon at the  
21 house, it's not visible also. I took this picture on an angle  
22 intentionally so you can see where it would be, but if you look at  
23 the house straight on, you will not see that addition.

24 CHAIRMAN MAMMINA: Mr. Hernandez has a question for  
25 Mr. Alberto.

26 MR. MIGATZ: Sure.

1 MR. ALBERTO: Don Alberto, 68 Highland Avenue, Port Washington.  
2 Good morning.

3 MEMBER HERNANDEZ: Good morning. Mr. Alberto, I don't see  
4 dimensions on the size of the primary bedroom, so I can't -- don't  
5 know what size it is. I see the dimensions on the primary proposed  
6 bathroom, which is 12 by 12, so it's a 140-something square feet,  
7 roughly. Again, I can't tell what the actual bedroom size is. If  
8 I look at the -- by comparison it doesn't appear to be that much bigger  
9 to be very honest with you.

10 I was just curious as to why you chose to put the -- I guess  
11 the client wanted a separate tub from a shower, but it appears that  
12 you have a very large shower space, but the pen to the actual shower  
13 is much smaller than the space that you have. Had you reversed those  
14 two, the shower and the tub, you wouldn't have a sky plane exposure  
15 issue.

16 MR. ALBERTO: Well, let me take the first question of the size.

17 MEMBER HERNANDEZ: Sure.

18 MR. ALBERTO: If you can go to the first page, which is A1.

19 MEMBER HERNANDEZ: Okay.

20 MR. ALBERTO: And look on the far left there's calculation for  
21 gross floor area, and you'll see the size of the primary bedroom is  
22 shown by a rectangle, 218.5 square feet.

23 MEMBER HERNANDEZ: Okay.

24 MR. ALBERTO: So that's the 7-foot height. Meaning, all the  
25 other spaces are sloping down and really --

26 MEMBER HERNANDEZ: Yes, correct.

1 MR. ALBERTO: So that same issue comes up, if you look at the  
2 shower, that's a dormer. The shower sits in a dormer.

3 MEMBER HERNANDEZ: Right.

4 MR. ALBERTO: Then the side walls go down on an angle, and we  
5 did want the tub -- the owner expressed they wanted the tub with a  
6 window to look in the back because there was some greenery. It seems  
7 to make more sense to lay it out this way. Also, when you walk in,  
8 I do a lot of the primary bathrooms, it's nice to see a tub with the  
9 window.

10 MEMBER HERNANDEZ: Of course.

11 MR. ALBERTO: And if that door is open, you look in, so those  
12 are the some of the aesthetics of why that was decided.

13 MEMBER HERNANDEZ: Unfortunately, as you know, we're not an  
14 aesthetic board, so.

15 MR. ALBERTO: No, I'm explaining how --

16 MEMBER HERNANDEZ: Although we appreciate it when people build  
17 nice houses.

18 MR. ALBERTO: -- why those decisions were made?

19 MEMBER HERNANDEZ: We appreciate that.

20 MR. ALBERTO: They were aesthetic. I hope that answers the  
21 question.

22 MR. MIGATZ: I appreciate the fact that this Board is charged  
23 by law of the granting the minimal variances required, but this sky  
24 exposure plane is so de minimis that, you know, it's just, even the  
25 planning examiner could not pick up on it. So to have to redesign  
26 that bathroom with such a de minimis variance, I just don't think

1 it's justified.

2 MEMBER DONATELLI: Anything else?

3 MR. MIGATZ: No.

4 MEMBER DONATELLI: Mr. Chairman, I would like a little bit of  
5 opportunity to review this, so I think that we have the information  
6 that we need. I would ask that we reserve decision on this.

7 CHAIRMAN MAMMINA: Okay. All right, so the Board will reserve  
8 decision on this, and we'll probably have some movement by the next --

9 MR. MIGATZ: All right, thank you very much.

10 CHAIRMAN MAMMINA: -- the next hearing. Thanks, everybody.

11



1 SECRETARY WAGNER: Appeal #21558, Anna Ballinas; 3 Huntington  
2 Road, Port Washington; Section 5, Block 60, Lot 313; Zoned:  
3 Residence-A.

4 Variance from 70-29.C to construct a one-story addition and to  
5 legalize a pre-existing nonconforming detached garage and finished  
6 attic (that were supposed to be removed per a prior permit) that would  
7 make the house too big.

8 CHAIRMAN MAMMINA: You've heard Appeal #21558, Anna Ballinas.  
9 Is there anyone in the room interested in the application other than  
10 the applicant? Show of hands?

11 SECRETARY WAGNER: Yes.

12 CHAIRMAN MAMMINA: Okay, we have some hands up. You will have  
13 the opportunity to speak after the presentation.

14 Secretary Wagner, if you want to put on the record that you got  
15 some letters and things that came in, and those are reviewed.

16 SECRETARY WAGNER: Yes, and they have been submitted to the  
17 Board, as well as to the applicant for consideration.

18 MR. FALINO: Good morning. My name is Frank Falino, architect.  
19 I'm here to represent Anna Ballinas, 300 Huntington Road, Port  
20 Washington.

21 Just a little background. The owners have lived in Port  
22 Washington since 2015. They have two young children. They bought  
23 the house about a year ago, looking for more space so they could spread  
24 out a little bit. They purchased this old house adjacent to the Port  
25 Washington Historic District to save the dilapidated structure and  
26 reinvigorate it by renovating and adding to it in a manner completely

1 consistent with the original home's design intent.

2 One of the home's major assets for both the owners and the  
3 neighborhood is its location deep into a large lot. It sets back  
4 over 65 feet from both the front and rear lot, and it has side yards  
5 of 41 feet and 22.4 feet. The existing home and garage with attached  
6 shed dates from 1919, and had its front door and entry was all facing  
7 west oriented towards Plandome Road with dining and living rooms to  
8 either side north and south, and in ensuing years, it appears that  
9 that front yard property was subdivided from the main parcel, and  
10 a Mid-Century home was built between the house and the main road.

11 The property is now entered from the south on Huntington Road,  
12 and there is no front door to the house. The front door faces  
13 Plandome Road, and it's still of set of original stairs to the double  
14 set of masonry stairs coming up from Plandome Road sidewalk up into  
15 the property that was once its front yard and now belongs to 24  
16 Plandome Road.

17 We're here looking for three variances. Firstly, in order to  
18 add the front door that's keeping in scale with this large old house,  
19 we're requesting a variance to add a one-story addition of 400 square  
20 feet that fits within the existing front and side building lines,  
21 maintaining the existing front yard setback of 65, 66.5 feet, and  
22 the side yard setback of 54.2 feet.

23 At that point, we're also looking to maintain a portion of the  
24 existing attic, which is approximately 737 square feet above  
25 allowable for GFA by adding a sprinkler system.

26 And thirdly, we're looking to maintain the accessory structure

1 as an unheated garage with storage. It's side and rear yard setback  
2 are code compliant. The only issue with that garage is that the peak  
3 of its hip roof is approximately 1.9 inches above the code  
4 requirement, so it's just maybe, you know, two square feet of that  
5 roof is poking up into the height limitation.

6 The previous owners did install a heating unit in the garage  
7 at some point. That's never been legalized, but the current owners  
8 removed it. There's no fireplace. That's just the old chimney that  
9 was in the structure. It does currently have an electric water  
10 heater 'cause it does have a small bathroom. That's basically my  
11 presentation. If you have questions?

12 MEMBER DONATELLI: So let me begin by saying that was an  
13 interesting process trying to find 3 Huntington Road, which is right  
14 near 100 Huntington Road, which is across the street from 101  
15 Huntington Road. Thank God somebody painted a huge three on the  
16 fence so I was able to find it that way.

17 The Port Washington Historic District is really a gem in Port  
18 Washington. There are beautiful homes there, and I understand that  
19 most of them were built long before the code was compliant, but  
20 I -- the code was enacted or amended.

21 I do have one question. Going to the garage. There is that  
22 dwelling space or on your plans it's shown as storage space, but it  
23 looks like it was used at some point as dwelling space. Do you know  
24 when that addition to the garage was built?

25 MR. FALINO: I think 1949 is in the record as an addition.  
26 There was a greenhouse and something else added, which isn't there

1 now.

2 MEMBER DONATELLI: Do you know if that was built with the  
3 benefit of permits?

4 MR. FALINO: It was not.

5 MEMBER DONATELLI: It was not built. So then that addition to  
6 the garage -- 'cause the garage was there originally as part of the  
7 original structure.

8 MR. FALINO: And part of the additional space was there as part  
9 of the garage.

10 MEMBER DONATELLI: The additional space?

11 MR. FALINO: Part of the additional space. I think it's  
12 been -- it was originally constructed as garage with a shed, and then  
13 at some point, I think in the 40s, they added some more space.

14 MEMBER DONATELLI: Because that's a huge amount of space that's  
15 attached to the garage.

16 MR. FALINO: Yeah, I mean, right. The total garage is --

17 MEMBER HERNANDEZ: 1387 square feet.

18 MR. FALINO: Yes.

19 MEMBER DONATELLI: It is, yeah, 1387 square feet?

20 MEMBER HERNANDEZ: And a garage is typically 300 square feet;  
21 two-car garage, 600.

22 MEMBER DONATELLI: You're asking for a variance of gross floor  
23 area of 2490 square feet, which is, I mean, if you appeared before  
24 this Board, you know, that we give a great deal of credence to the  
25 gross floor area that the Town has indicated, and of course, we are  
26 empowered to grant variances, but there are a couple factors that

1 we try to consider.

2 The first factor is, of course, you have an oversized lot but  
3 you do not qualify for the bump up because of the height variance --

4 MR. FALINO: Right.

5 MEMBER DONATELLI: -- on the ridge. But even if you were to  
6 qualify for the bump up, it still would exceed the GFA for the  
7 Residence AA.

8 MR. FALINO: Right, that'd be 5200 square feet.

9 MEMBER DONATELLI: So you're asking for at least another 1200  
10 square feet more than you would qualify for even if you qualified  
11 for the bump up. That causes me to have some concern because I  
12 understand that it's a historic house, and I understand that it  
13 actually -- while we're not an aesthetic board, I think, that probably  
14 the changes that are being made will help with the functionality of  
15 the house. Because it once upon a time did face Plandome Road, and  
16 now it has to present to Huntington Road. I understand what the  
17 owners are trying to accomplish. My problem is with the excess 2490  
18 square feet. Because --

19 MR. FALINO: Well --

20 MEMBER DONATELLI: I'm sorry. And I do want to have you address  
21 that, but mindful of whatever we decide, will be used as precedent  
22 in other cases that might come before us regarding other projects.  
23 So we can't give away the store. We have to be mindful for GFA that's  
24 required by law, and then we have to find grounds upon which to vary  
25 that.

26 MR. FALINO: I think it's interesting to look at it in, in three

1 parts. Basically, the three parts that we're looking for. If we  
2 start with the house, we're looking for 400 square foot addition,  
3 424 square feet. That's about a one percent of the lot size, so it's  
4 very insignificant addition to the property.

5 As far as living space, the attic was existing. It was mainly  
6 finished, didn't have finished floors. So it really wasn't  
7 considered habitable or finished space, and it could remain that way.  
8 It doesn't have to be finished. We're just looking to actually make  
9 it safer, you know, by sprinkling it. That's, I think, 700-something  
10 square feet there.

11 MEMBER DONATELLI: It's 862.

12 MR. FALINO: Yeah, okay, thank you. So, again, that -- and it's  
13 existing and it's under the roof line. So again, that's sort of an  
14 insignificant number to look at because it's, it's there. It's  
15 not --

16 MEMBER DONATELLI: Well, and I don't mean to be argumentative.

17 MR. FALINO: Insignificant might be the wrong word, but.

18 MEMBER DONATELLI: Well, again, I don't mean to be  
19 argumentative, the original application that was filed with the  
20 Building Department showed that the attic would be unfinished and  
21 that the garage would be removed. So on the basis of that, your  
22 client received the building permit. Now, they're seeking to change  
23 what was in that original building permit, and I understand that  
24 happens from time to time, but again, these are now things that had  
25 been decided by the applicant and the Building Department that are  
26 being changed, so they're all in front of us now. The roof is in

1 front of us. The garage is in front of us, and this new addition,  
2 so taking as a whole, it's not just an extra one percent. It is a  
3 substantial variance. Anyway, I'm sorry I interrupted.

4 MR. FALINO: That's fine. And my other point was that the  
5 garage, again, was existing from 1919, and then it had, as you pointed  
6 out, unapproved additions done, you know, at a later date. So, we're  
7 not sure where that line breaks. Where, you know, if we can keep  
8 that full garage with all of its storage, or if that needs to be  
9 reduced somewhat?

10 MEMBER GOODSELL: Well, it doesn't quite look like storage  
11 area, but would your clients be willing to, since they're doing major,  
12 major reconstruction on this property, would they be willing to turn  
13 it exclusively to a two-car garage? Does it need to have a laundry  
14 and storage area, mudroom or changing room, a full bathroom, and  
15 existing play area?

16 MR. FALINO: I could let them answer that question, but I --

17 MEMBER GOODSELL: I'm sure that they -- I'm sure that that's  
18 not something that they really wanted to do.

19 MR. FALINO: Right.

20 MEMBER GOODSELL: But I'm asking if they would consider it  
21 because I'm sure you can tell with the objections from the neighbors  
22 that are here to speak and we would like to hear them.

23 MEMBER DONATELLI: Let me just add. I've been on this Board  
24 for, I don't know, eight, nine, ten years, something like that, and  
25 I very much believe in dialogue. Of course, we are in power to make  
26 decisions, but I like to have everyone heard, and I think sometimes

1 that dialogue and going back and forth with the plans can actually  
2 help the applicant as well as the neighbors achieve something that  
3 is acceptable to all. But in my ten years, I never approved a gross  
4 floor area variance of 2490 square feet. I know that. I don't think  
5 that I've ever seen the Board do that in all of my time appearing  
6 either on that side of the fence or on this side of the fence. So  
7 this is a massive request.

8 A lot of what we do is about bulk, and how a house presents itself  
9 to the neighborhood, whether or not the house fits in with other  
10 houses, and again, the precedent that any decision would set for other  
11 houses. So while I appreciate that, the fact that the applicant's  
12 house is set back, and I appreciate that it has a certain historical  
13 value and context, and I also appreciate the fact that the proposed  
14 addition in the front would help to present the house to Huntington  
15 Road as opposed to Plandome Road that was long ago subdivided. I  
16 appreciate all of those things, but again, I have a great deal of  
17 difficulty justifying a variance request of 2490, and what I would  
18 propose as one Board Member because, of course, we are five here.  
19 We're four, currently here today, but I'm one of five on this Board,  
20 I'm less concerned with the attic. The attic's existing. The  
21 attic -- really no change will be made to the outside of the structure  
22 so that -- I'm less concerned with that. I'm much more concerned  
23 with the garage, with the living space in the garage, and so when  
24 we have this dialogue if you can have that discussion with your  
25 clients and see if there's some possibility there that might help  
26 us move forward.



1 MR. FALINO: Okay.

2 CHAIRMAN MAMMINA: We have other neighbors that had their hands  
3 up. So why don't we hear from them, and, then, you know, Mr. Falino,  
4 of course, you'll have a chance to respond.

5 MS. FERRANTE: Good morning. Angela Ferrante, 112 Huntington  
6 Road. We live right next door.

7 MR. EUSTIS: Do you need me to -- Steve Eustis. I'm the  
8 husband.

9 CHAIRMAN MAMMINA: My wife always does the talking.

10 MS. FERRANTE: So we really like our neighbors, and we're  
11 excited for them, and we really want them to have their dream home.  
12 They're doing a great job. It looks like it's coming along  
13 wonderfully, and we have very few objections. We don't object to  
14 the attic. We don't object to the addition to square it off. I think  
15 it'll look quite nice, however, when you look at the plans and when  
16 you see the actual structure and when you live next door, you realize  
17 that -- and it was stated on the record here today, that this structure  
18 that was built next to the two-car garage is very much an active living  
19 space. The family has lived there in that section over the entire  
20 winter. There is no way there's no heat in there, and there is a  
21 chimney. And again, I don't begrudge them for that. When we did  
22 our renovation next door, we had to move and pay rent and the mortgage  
23 and the construction, and it's very difficult.

24 It's amazing to have that opportunity to live on the property,  
25 see the construction every day, and see it go up. However, as part  
26 of this, that structure in our opinion it must come down. It was

1 built illegally in the first place. It is literally on our property  
2 line.

3 For the record, and the letter that we sent in, we noted it.  
4 It's really not so much a part of this, but since we're talking about  
5 it, I really wanted the record to be clear. We have provided the  
6 previous owners a letter noting that the fence is -- pursuant to our  
7 survey, maybe their survey said something different.

8 CHAIRMAN MAMMINA: It doesn't.

9 MS. FERRANTE: Okay, it doesn't. The fence --

10 CHAIRMAN MAMMINA: It complies.

11 MS. FERRANTE: Okay. So the fence is not on the property line.  
12 It is two feet into our property. That's okay, but for legal purposes  
13 and I want to be clear, we do not consent to adverse possession.  
14 Those two feet are ours, and should that fence ever come down, I don't  
15 need them to come down, when a new fence -- if a new fence, and we're  
16 perfectly happy to talk to them about a new fence. We can do it  
17 together, share the cost, but when that should happen in the future,  
18 we really need that fence to be put in the correct place. If you  
19 look at it that way, that structure is literally either on our  
20 property or right at the property. There is no ten-foot setback  
21 whatsoever when at that structure. The rest of the house is fine.

22 MEMBER DONATELLI: A garage, if that were to be classified as  
23 a garage is supposed to have a three-foot side yard setback from the  
24 property line, not from the fence.

25 MS. FERRANTE: Understood.

26 MEMBER DONATELLI: Now, the survey that we have shows this, the

1 garage structure is entirely on their property.

2 MS. FERRANTE: It is.

3 MEMBER DONATELLI: Look at that. But presumably when they  
4 purchased -- and I handle a lot of real estate in my practice, so  
5 I know that the title company probably would have asked them or asked  
6 you to ask them -- no, actually that would have been when you  
7 purchased, to indicate that you are, you know, that you acknowledge  
8 that your land is on the other side of the fence, but in either event,  
9 be that as it may, they cannot build on your land. You cannot build  
10 on their land, and so the fact is that you may want to just have a  
11 surveyor put stakes in the ground, wherever the boundary line is so  
12 that everyone is clear to that.

13 MS. FERRANTE: And that's fine. Again, we didn't raise it at  
14 the time because we -- I only -- we sent a letter to the previous  
15 owners because we know by law when you're selling a property you are  
16 under an obligation to disclose any issues relating to that property,  
17 and that is why we notified the previous owners. We let them know  
18 so that they would let the new purchasers know what the issues were.  
19 So, again, the fence is one thing. It was just for the record since  
20 we're here, it needed to be said. The real issue --

21 CHAIRMAN MAMMINA: Your letter was --

22 MS. FERRANTE: I'm sorry?

23 CHAIRMAN MAMMINA: I think the letter was very well written and  
24 very fair.

25 MS. FERRANTE: Thank you.

26 CHAIRMAN MAMMINA: You know, in terms of what it said, and I

1 think, you know, maybe, I'm punctuating something that's already been  
2 said, and I'm sure you understand, this Board really has no power  
3 over that anyway.

4 MS. FERRANTE: Understood.

5 CHAIRMAN MAMMINA: So that's okay. You put it on the record.

6 MS. FERRANTE: I understood.

7 CHAIRMAN MAMMINA: Nicely stated in your letter as well.

8 MS. FERRANTE: Yes, it's simply for the record and it, it seemed  
9 like a torturous thing not to say when we're talking about that one  
10 structure. So again, our only objection is to the living structure  
11 that is adjacent to the two-car garage. I believe they should keep  
12 their two-car garage a property of that size. It's gonna be  
13 beautiful. They should have a garage, and certainly, a two-car  
14 garage. The garage itself is well far away, more than three feet  
15 from our property line, whichever interpretation you wish, but that  
16 living structure that surrounds it, is literally in our property  
17 line. When we bought the property, we knew it was an illegal  
18 structure. There was an older lady who was living there. We knew  
19 that at some point someone would buy the property, and it would need  
20 to come down. With all due respect, the day is now. Thank you.

21 MEMBER DONATELLI: Thank you.

22 CHAIRMAN MAMMINA: Thank you. We have some other hands, I  
23 think.

24 MEMBER HERNANDEZ: Anybody else?

25 CHAIRMAN MAMMINA: Then I think we -- we've got -- Mr. Falino,  
26 is there anything that you like to put on the record?

1 SECRETARY WAGNER: I did say there were letters submitted,  
2 right?

3 MEMBER DONATELLI: Yes.

4 MEMBER HERNANDEZ: Yes.

5 CHAIRMAN MAMMINA: Yes.

6 MS. BALLINAS: Hi, so I'm Anna Ballinas. The owner of the  
7 property.

8 CHAIRMAN MAMMINA: Very deep breath.

9 MS. BALLINAS: Deep breath. Okay, we'll try.

10 CHAIRMAN MAMMINA: You're just talking to us. Plus, you have  
11 to help me 'cause I said I hate when the ladies cry.

12 MS. BALLINAS: That's what my boss asks me all the time. Anna,  
13 slow down.

14 CHAIRMAN MAMMINA: Yes, just easy, easy. They're emotional  
15 issues. It's okay.

16 MS. BALLINAS: Speaking of the main house. We wanted to keep  
17 the integrity of the house, how it looks, how it matches the  
18 neighborhood. The attic was there. We all do whatever it takes to  
19 legalize it the right way; put the sprinklers there. It's a space  
20 that is already there. The front of the house, again, I understand  
21 when you look at the whole square footage of the downstairs. At the  
22 end, it's such a large property, and allowing us to add the front  
23 door, I think this will just match the neighborhood. Everyone has  
24 access to their homes from Huntington Road. We do not.

25 When it comes to the garage, again, we purchased this the way  
26 it is. There was a boiler there before. It has been removed. There

1 is a chimney that was pre-existing. There was no fireplace. When  
2 it comes to heat, space heaters. This is not meant to be livable  
3 space. If you're asking for flexibility, we have flexibility to make  
4 adjustments. The plan is, in the future, once we recover from the  
5 expenses, is to have a pool, and it would be great to have a structure  
6 behind the garage as a pool space, pool house, pavilion, whether there  
7 are walls or no walls. We're willing to work around that; see what  
8 are the options and alternatives. When it comes to the side of the  
9 garage, if you want to comment on that?

10 MR. BALLINAS: Yeah, so, I mean, just to clear --

11 SECRETARY WAGNER: State your name.

12 CHAIRMAN MAMMINA: Give your name and address also.

13 MR. BALLINAS: Moses Ballinas. I'm the husband, and I live at  
14 3 Huntington Road. Actually, at 3A Huntington Road. That's what  
15 they have the address on that garage. I don't know why it has its  
16 own electric service, anyway.

17 So when we first saw the house, right? It's a very -- it was  
18 a very standout house because it's -- it has a huge attic, and the  
19 way, you know, it's constructed. It's just outstanding, you know.  
20 We thought it was outstanding. We saw the house inside, and one of  
21 the main things that called our attention was there's a big attic  
22 that was finished. When we saw it, it was finished. It had  
23 everything in there. We're not saying that it was legal, but it was  
24 finished, right? So that was one of the main things that called our  
25 attention, and then when Mr. Falino came and gave us ideas on how  
26 to renovate this house, one of the main things was that -- one of

1 the things that caught our attention out of the plan was that he  
2 proposed a, like a hole, you know, from the first floor to see through  
3 the ceiling of the attic of the second floor, and then see it through,  
4 you know, Plexiglass, and the third floor to see through the attic  
5 or just to let light through the attic, and that was -- so we were,  
6 like, kind of, like, bummed when we found out we couldn't actually  
7 have the attic. We got approved believe it or not. It's crazy  
8 enough that we got approved for a full bathroom in the attic. That  
9 we'll have a bathroom in the attic right now. If you don't approve  
10 us, we'll have a full bathroom in the attic, but nothing else. We're  
11 gonna have to build a wall right here, and there's the stairs, build  
12 a wall right here, and then there's a full bathroom right there in  
13 the attic. What for? I don't know, but I guess we'll have to use  
14 it. And also, so the garage and the living area, we never intended  
15 to use the living space. One of the opportunities and one of the  
16 visions that we have when we came to see the property, was to look,  
17 you know, we don't have to pay rent, you know, for two years that  
18 we're going to have to build this house, right? So we know it's  
19 illegal. We have always known it. We have never had any intentions  
20 of renting it out or using it as livable space. If we have to -- like  
21 she said, we removed the boiler and, to be honest, because it was  
22 huge. It was one of those old burners that used, like, a 10 by 10  
23 room, and we couldn't access the place through the front because  
24 boiler was right there. So we removed it and we cleaned the whole  
25 thing. We repainted it, and yes, that's where we've been living this  
26 time with space heaters. The garage is now where my kids hang out

1 because they don't have a real house.

2 MEMBER GOODSSELL: Are you living in that space behind the  
3 garage?

4 MR. BALLINAS: We're living there right now, yes. Again, we  
5 have no intentions of renting it. Obviously, yeah, I mean, the next  
6 owner maybe will have, right? And that's totally acceptable, but  
7 what we're saying is, if we have to modify the garage, that's fine.  
8 We just want to have a garage, and hopefully maybe some storage in  
9 the back or open walls and just a structure, where we can maybe put  
10 a, I don't know, a grill or something, like a propane grill to hang  
11 out with the family when they come visit.

12 MEMBER DONATELLI: I don't mean to interrupt, but your  
13 architect will be able to tell you that a garage will not add to gross  
14 floor area if it is 300 square feet or less.

15 MR. BALLINAS: Right.

16 MEMBER DONATELLI: So if with what I'm hearing is that your  
17 willing to return the garage to 300 square feet or less than that  
18 will go a long way toward helping us narrow this gap of 2490 square  
19 feet that you're asking for a variance.

20 MEMBER GOODSSELL: You got 1000 square feet or a little bit over  
21 right there. Maybe a little bit under.

22 MEMBER DONATELLI: The garage is 1387.

23 MEMBER GOODSSELL: Yeah, 1387. If you go back to a two-car  
24 garage, what you've got now is 420, can't count it, but it's a lot  
25 less, and again, nobody disputes the fact that on a house this size,  
26 a two-car garage is a very reasonable structure; that we understand.



1 MR. BALLINAS: Right.

2 MEMBER GOODSELL: That we understand.

3 MEMBER DONATELLI: And because it is an oversized lot, even if  
4 you do not qualify for the bump up to Residence AA, we have, under  
5 certain circumstances, been able to grant a variance because it is  
6 an oversized lot.

7 MR. BALLINAS: Right.

8 MEMBER DONATELLI: So if you're willing to return the garage  
9 to 300 square feet or less --

10 MEMBER GOODSELL: Less than 400.

11 MEMBER DONATELLI: Well, to --

12 CHAIRMAN MAMMINA: The 300 takes the square footage out.

13 MEMBER DONATELLI: Well, 300 takes the square footage out, and  
14 we don't mean to put pressure on you. Again, in the sense of  
15 dialogue, the variance that your requesting, in any variance, is  
16 massive. If you are willing to revisit the garage and return it 300  
17 square feet or less, then as one Board Member, I would be much more  
18 comfortable because then we can justify the additional square footage  
19 that you're asking.

20 CHAIRMAN MAMMINA: I'll go just one step further, and I'm  
21 completely in agreement with what Member Donatelli has said. I  
22 thought that the letters that we got from your neighbors were  
23 extremely unique in that they were all very well written. They  
24 didn't attack anybody. They weren't falling all over the place  
25 where, you know, it's gonna cast shadows on my house 300 feet away,  
26 you know. Of course, I'm joking. Everybody's focus was, and just

1 for what they had in their illegal apartment.

2 And I understand, you know, and exactly as the other young lady  
3 said, when I did my house, you know, I had to move out of my house.  
4 They're saying they didn't have a problem with you being there right  
5 now. It could very well be just, you know, if you had knocked on  
6 their door, but I'm not criticizing you.

7 Please, I'm not judging you even; nothing. I think the -- every  
8 one of the letters said this has to go, and, you know, I -- we have  
9 never approved a structure in a garage -- excuse me, a living  
10 structure, you know, in a garage, and I understand what you're saying  
11 about when a pool goes in, you know, to have some small area or  
12 something. That's okay.

13 You know, and people are doing beautiful back yards. I mean,  
14 they're like outdoor living rooms, and they're gorgeous. You might  
15 as well go to the Caribbean; you know --

16 MR. BALLINAS: Yeah.

17 CHAIRMAN MAMMINA: -- in their back yard, so I think that is  
18 the focus of the application because that will take that square  
19 footage and it will dramatically drop that square footage.

20 MR. BALLINAS: So are we saying that if we agree to 300 or less  
21 square foot garage, are we're talking about being approved for the  
22 variances?

23 MR. PERROTTA: 300 square feet max.

24 STEVEN PERROTTA: It's 300 or less.

25 MR. BALLINAS: Right.

26 MEMBER GOODSELL: Yeah, it takes -- if you agree to that, it

1 takes the entire square footage of the garage off the table. You  
2 still have a garage, but it takes it off the table, and it makes the  
3 ask for the attic space a lot more palatable to us.

4 SECRETARY WAGNER: And the new addition.

5 MEMBER GOODSELL: And the new addition.

6 CHAIRMAN MAMMINA: And the new addition, yes.

7 MEMBER DONATELLI: And it's not necessarily a reflection on  
8 you, but if you've been here all morning, which I think you have,  
9 you heard that there was another applicant looking for an outside  
10 egress to a basement. And again, once something is built, you know,  
11 then you may sell the property, and then somebody else may move into  
12 that storage space that you now call it. So we have to be consistent  
13 in our decisions.

14 The other thing that I would just add is that while we appreciate  
15 and we always ask for community input and community comments, that's  
16 not necessary. That is not determinative. We have to look at the  
17 Five Factors that are required by law and community opposition. It's  
18 always good to hear, but that's not one of the factors. The Five  
19 Factors are the Five Factors that everyone's been addressing by law  
20 that your architect addressed.

21 So I would just say that as I drove through the community, I  
22 saw no other similar structures there. This just doesn't exist in  
23 that area. This is a beautiful area. It's a historic area, and I  
24 just to want to add one thing to what the chairman said about your  
25 neighbors. It's a great neighborhood and people have welcomed you  
26 into the neighborhood, so it's not at all personal. It's just really

1 about this structure, and the fact that this structure was not built  
2 according to law.

3 MR. BALLINAS: Absolutely. We definitely understand. We've  
4 been through this process for almost a year. You know, they welcomed  
5 us to the neighborhood, I don't know if that exactly reflects what  
6 has happened, but we have no personal, you know, regrets or anything  
7 personal with anyone. We felt a little different and I don't know  
8 what it is, but since day one, we've got a lot of -- something that  
9 didn't feel right from some of our neighbors, but that's fine. It  
10 happens in America, right? We live in America.

11 MEMBER GOODSELL: You have a very unique hideaway. You can  
12 vacation on your own property.

13 MR. BALLINAS: That was the idea.

14 MEMBER GOODSELL: And truthfully, you know, we're not an  
15 aesthetic board. We can tell you that we think it looks lovely,  
16 that's not one of our criteria. Our criteria is the character of  
17 the neighborhood.

18 MR. BALLINAS: Absolutely.

19 MEMBER GOODSELL: So, we are, in fact, looking to see what can  
20 be done that we can allow you to have a beautiful house but still  
21 comply with the rules that the Town Board has set.

22 MR. BALLINAS: Absolutely, and we totally understand. If we  
23 can have -- I mean, I guess, we can agree to that. We're gonna, I  
24 mean, it's not like we're gonna be greedy and use illegal things or  
25 things that are suspicious of things that can be done after we leave  
26 or while -- even while we're there. But, I guess, yeah, that's fine

1 with us. We'll find a way to --

2 MEMBER GOODSELL: We understand that you're saving an awful lot  
3 of money by being able to live on the property while the construction  
4 is going on. Chairman did mention that.

5 MS. BALLINAS: Well, it's also, you know, two young kids who  
6 have friends in the neighborhood, who, you know, that I have kids  
7 with anxiety. To switch a bus from one to another, it's important  
8 for me that they take continuously one in the bus rather than buying  
9 a house, renting somewhere else, and going back on a -- to a different  
10 house. That's a very important aspect for me that we can. But  
11 moving forward absolutely, we can -- we'll adjust to make sure the  
12 300 square foot garage either remains or change the square footage.  
13 I'm not sure what the square footage is now --

14 MR. BALLINAS: I guess, yeah, just the --

15 MS. BALLINAS: But the attic --

16 MEMBER GOODSELL: I know that is indicated on the record that  
17 you hoped to put a pool in some day, but that's not on your current  
18 plan, and it may or may not ever happen, so that is why we are talking  
19 to you about now compromising on the garage.

20 CHAIRMAN MAMMINA: I'll apologize for interrupting, and please  
21 anybody else can add in further, but I think where we are, I'm gonna  
22 say I'm fairly certain that the architect understands exactly what  
23 we're saying. He can submit to us revised drawings to the Zoning  
24 Office, and if we get that revised drawing, then the Board will  
25 consider the application based on that revised drawing.

26 MEMBER DONATELLI: Showing a garage no more than 300 square

1 feet.

2 CHAIRMAN MAMMINA: No more than 300 square feet.

3 MS. WAGNER: I have a question for the architect. On the  
4 prior --

5 CHAIRMAN MAMMINA: Mr. Falino, why don't you come on up?

6 SECRETARY WAGNER: On the prior application that you submitted  
7 to the Building Department, the plans show that irregular fence on  
8 the side property line is going to be removed. Is that the intention  
9 that it is going to be removed?

10 MR. FALINO: Yes, it is.

11 SECRETARY WAGNER: So that addresses the neighbor's question  
12 about that irregular fence. As part of their prior application, they  
13 show that that fence will be removed, so any fence that's put there  
14 in the future will have to be --

15 MR. BALLINAS: Yeah, I can chime in on that. So when we bought  
16 the house that was one of the things that came up with the attorneys  
17 that the survey showed that the fence on - on -- around our property  
18 -- this is a fence all around the property, and on the back of our  
19 property, there's Marianne Dalimonte lives right there, and her fence  
20 is about a foot and a half in on our property. Then the neighbors  
21 on the other side, not they're property, but on the other side also,  
22 it goes -- the fence goes like this, so whomever built it, it went  
23 like this. So it goes in. It goes out. So we signed the agreements  
24 with all the abutters when we closed on the property. We thought  
25 all of them, but I guess there was one missing and I guess it was  
26 the neighbors, and so what we agree on -- what the letter said was,

1 we are -- we know, and we are aware that the fence doesn't mean  
2 reverse -- whatever it's called.

3 CHAIRMAN MAMMINA: Adverse possession.

4 MR. BALLINAS: Yeah, adverse possession. So any time any of  
5 the neighbors wants, I guess, the fence straightened up, that's going  
6 to happen. We have no intention of keeping any part of the property  
7 that isn't ours. In fact, tomorrow, 8:00 A.M. in the morning, we're  
8 gonna start working on their side to remove -- to straight out the  
9 fence and the trees. We don't want any of that -- any of those  
10 arguments or any those.

11 MEMBER DONATELLI: Let me suggest as I suggested earlier that  
12 if you have some questions, surveyors will put stakes on the ground  
13 to show exactly where your property begins and ends. As I look at  
14 your survey and perhaps this is really a product of the subdivision,  
15 but I see that there are certain jags. There's right in the area  
16 of the garage, it jags out, I guess, to the east.

17 MR. BALLINAS: Right.

18 MEMBER DONATELLI: 2.6 feet it looks like. So, you know, it's  
19 not your standard rectangular lot.

20 MR. BALLINAS: Right.

21 MEMBER DONATELLI: And so what I would suggest is, you know,  
22 if you're going to do it --

23 SECRETARY WAGNER: (Inaudible).

24 MEMBER DONATELLI: Right, but what I'm talking about is over  
25 here.

26 MS. WAGNER: Oh, yeah, no, I know, but that's the fence that

1 they're -- his prior plans that were submitted with the prior says --

2 MEMBER DONATELLI: Oh, the prior.

3 SECRETARY WAGNER: It says the regular fence to be removed.

4 MEMBER DONATELLI: Yeah. So, again, if you can have your  
5 architect submit those plans, you know, we understand that building  
6 a house from scratch or doing this extensive renovation is not going  
7 easy, and I think, as one Board Member, we will do what we can to  
8 try and act as expeditiously as possible.

9 MR. BALLINAS: Thank you.

10 CHAIRMAN MAMMINA: Okay.

11 MEMBER DONATELLI: Do we favor --

12 CHAIRMAN MAMMINA: Yeah, again --

13 MS. FERRANTE: Just one brief statement about the fence.

14 CHAIRMAN MAMMINA: Come up.

15 MEMBER HERNANDEZ: Come to the microphone.

16 MS. FERRANTE: I just want to be clear. We want them to do it  
17 properly, quote, unquote, and not in haste. So our comments are not  
18 at all to say tomorrow you have to take down and move the -- not at  
19 all, okay? It would be my recommendation and suggestion, fences also  
20 retire, technically, permits, right?

21 CHAIRMAN MAMMINA: More than technically.

22 MEMBER DONATELLI: Yeah.

23 MS. FERRANTE: More than technically.

24 MEMBER GOODSSELL: They do require permits.

25 MS. FERRANTE: So rather than post-haste, taking it down, and  
26 moving stuff, what I would suggest is that as part of the new



1 application, it be done properly, which is to ask for the permit.  
2 Put the fence where it should be conforming to where it needs to be.  
3 Doesn't have to be done tomorrow; moving this or moving that because,  
4 in my opinion, that will just cause more havoc. Our goal is not to  
5 create havoc. Our goal is simply, as most Board Members noted, to  
6 put the building where it needs to be and get rid of that existing  
7 structure. That's all.

8 MEMBER DONATELLI: Thank you.

9 MS. FERRANTE: Thank you.

10 CHAIRMAN MAMMINA: So it sounds like everyone is being good  
11 neighbors, and, I guess, what the young lady is saying to you guys  
12 don't worry about tearing the fence down tomorrow. Include it as  
13 part of your application and everything will all work itself.

14 MR. BALLINAS: Yes, and no, we appreciate that. And, again,  
15 we had no intention of saying, no, that's our line and that's the  
16 property and that's the property line and we're gonna keep it.  
17 Never.

18 We, actually, in fact, we have gone -- we have been to their  
19 house, and they've been very nice to us, you know, and entertaining  
20 us a couple of times. We were just surprised. We didn't hear about  
21 this before because we would have corrected it before especially  
22 since we actually planted trees around the property, you know. We  
23 probably would have planted them, you know, on the right place, but  
24 misunderstandings, I guess, and that's fine, I guess, it happens.

25 CHAIRMAN MAMMINA: So now the air will be clear.

26 MR. BALLINAS: Absolutely, and also, thank you very much for

1 giving us the opportunity of possibly, you know, doing our project  
2 somehow the way we wanted it, and yes, we'll try to comply with the  
3 garage with 300 square feet or less, and I'm sure that's going to  
4 be fine.

5 CHAIRMAN MAMMINA: Okay.

6 MEMBER DONATELLI: Thank you.

7 MR. BALLINAS: Thank you.

8 CHAIRMAN MAMMINA: Thank you all, and we continue this  
9 application for amended plans from the applicant's architect.

10 MR. FALINO: Thank you very much.

11 (WHEREUPON, a discussion was held among Board Members.)

12

13

1 SECRETARY WAGNER: Next Appeal #21559, Biju Lukose; 522 Sperry  
2 Boulevard, New Hyde Park; Section 8, Block 347, Lot 38; Zoned:  
3 Residence-C.

4 Variances from 70-50.C to construct additions that would be too  
5 close to the street.

6 CHAIRMAN MAMMINA: You've heard Appeal #21559, Biju Lukose.  
7 Is there anybody interested in the application other than the  
8 applicant? Seeing no one. Please give your name and address.

9 MR. OLIVER: Dennis Oliver, 924 New Bridge Road, Bellmore, New  
10 York.

11 CHAIRMAN MAMMINA: How are you, Mr. Oliver?

12 MR. OLIVER: I am well. How are you, sir?

13 CHAIRMAN MAMMINA: Good to see you.

14 MR. OLIVER: Good afternoon, everyone. I'm the architect of  
15 record for Biju Lukose; 522 Sperry Boulevard, New Hyde Park.

16 What we are doing is we're proposing to construct a -- well,  
17 not construct, reconstruct the existing dormer that's on the  
18 house -- excuse me, on the house now. There was a dormer added to  
19 the house late 50s, early 60s. Unfortunately, it was a typical get  
20 it up and get it out type of thing. It has low ceilings, very small  
21 rooms.

22 So what we're proposing is to raise the ceiling height up to  
23 eight feet, put a full gable roof on it, put another bathroom, put  
24 a bathroom up there, which isn't up there right now, unfortunately.  
25 Because of that, 'cause we're building flush with the front of the  
26 house.

1           The average front yard setback of the street is 26.78. The  
2 front yard to this proposed dormer, since the house was built in '42  
3 is 25.62. Now, because the way the code is written, it's the average  
4 of the block or 25 feet, whichever is greater number. The greater  
5 number takes precedent 26.78, so we're looking for a reduction of  
6 one foot two inches on that front yard in order to be able to construct  
7 the dormer flush with the front of the house.

8           The primary reason for this is because they have a big family.  
9 They want to try and get as big a space as possible. I know it's  
10 only a foot. Potentially, we could set it back, but that makes a  
11 difference as far as the room layouts go. They're just a little bit  
12 more comfortable with that extra foot in the front.

13           I also have a letter signed by four of the five people on the  
14 mailing listed stating that they have no objections to this variance  
15 being granted.

16           If the Board has any questions?

17           CHAIRMAN MAMMINA: Also, as you said, it also aligns with what  
18 was there originally and essentially replaces what was there  
19 originally but just in a more modern construction way because I'm  
20 familiar with what you're talking from back then. I always referred  
21 to them as pushup dormers because that's what they did. They took  
22 the existing roof and they pushed it up.

23           MR. OLIVER: If you're lucky, they recut, and recrowned, maybe.

24           CHAIRMAN MAMMINA: Okay, and that too, you know. And it served  
25 the need, you know. You had World War II vets, you know, coming to  
26 Long Island and saying, wow, that's great. Now, we have this extra

1 space up there.

2 MR. OLIVER: Yeah, and it was cheap.

3 CHAIRMAN MAMMINA: It was cheap, exactly. But I don't see any  
4 mass of the house changing as a result of that, and I do think, though,  
5 that the average front yard setback is important, and the Town Board  
6 did put that into the zoning I'm gonna guess ten or 12 years ago.  
7 I don't remember, you know, exactly. For, you know, for very, very  
8 good and legitimate reasons.

9 Again, in this case, we're basically taking something from where  
10 it exists, taking it down, and rebuilding it to a more modern,  
11 standard, and property ceiling heights, and that sort of thing.

12 MR. OLIVER: Right.

13 MEMBER GOODSELL: When you were in front of us in 2023 on this  
14 property --

15 MR. OLIVER: Correct.

16 MEMBER GOODSELL: -- what changed between the last time you were  
17 here and today?

18 MR. OLIVER: The porch on the front of the house previously came  
19 out 9.5 feet. We have cut that back to six feet. When the house  
20 was originally built, the porch came out 8.5 feet. So apparently,  
21 over the years someone put extra brick or something around it.

22 MEMBER GOODSELL: I remember that.

23 MR. OLIVER: But in order to make it more palatable and more  
24 acceptable, I talked to the owner we're cutting that back six feet,  
25 so it's not such a large looming presence on the front; doesn't stick  
26 out in that front yard.

1 MEMBER GOODSSELL: And I noticed there's going to be four  
2 bedrooms and two full baths on the second floor?

3 MR. OLIVER: Correct.

4 MEMBER GOODSSELL: It's surprising to me that this house can  
5 accommodate all of that, but it can. One or two of them are large  
6 bedrooms but the others seemed pretty modest.

7 MEMBER HERNANDEZ: Now, you are going up directly over the first  
8 floor outer walls. So you're going --

9 MR. OLIVER: Correct.

10 MEMBER HERNANDEZ: You're not encroaching in any direction any  
11 more.

12 MR. OLIVER: No.

13 MEMBER HERNANDEZ: Straight up.

14 MR. OLIVER: Straight up. We don't have any other issues as  
15 far as zoning goes. No side yard. The height's fine. Our sky  
16 plane.

17 MEMBER GOODSSELL: GFA is --

18 MR. OLIVER: Our GFA is fine. So the only thing that we're  
19 asking for is the front.

20 MEMBER GOODSSELL: Mr. Chairman, seems to be -- I feel badly for  
21 the clients because had they realized this they could have had one  
22 application last year instead of two applications.

23 MR. OLIVER: Instead of the two.

24 MEMBER GOODSSELL: One last -- one and done this year.

25 MR. OLIVER: Right.

26 MEMBER GOODSSELL: But I have no objection to this plan. It is

1 in character of the neighborhood. This area started as much smaller  
2 houses, and they have been improved. Some of them do sit fairly close  
3 to the street. Some of them don't, but they have often -- the way  
4 it will be is not out of character with other houses that have made  
5 similar improvements to this neighborhood. So, Mr. Chairman, as one  
6 Board Member, I do not have any objections to this.

7 CHAIRMAN MAMMINA: So, we have a motion.

8 MEMBER GOODSSELL: I will make a motion for these plans to be  
9 approved.

10 CHAIRMAN MAMMINA: Oh, I'm sorry. We have a motion by Member  
11 Goodsell. Do we have a second?

12 MEMBER HERNANDEZ: Second.

13 CHAIRMAN MAMMINA: Second by Member Hernandez. Please poll  
14 the Board.

15 SECRETARY WAGNER: Member Hernandez?

16 MEMBER HERNANDEZ: Aye.

17 SECRETARY WAGNER: Member Goodsell?

18 MEMBER GOODSSELL: Aye.

19 SECRETARY WAGNER: Member Donatelli?

20 MEMBER DONATELLI: Aye.

21 SECRETARY WAGNER: Chairman Mammina?

22 CHAIRMAN MAMMINA: Aye. Application is granted.

23 MR. OLIVER: Thank you very much. Have a good afternoon.

24 CHAIRMAN MAMMINA: Thank you. I appreciate it.

25

26

1 SECRETARY WAGNER: We have Appeal #21560, Tully-Willetts Realty  
2 Co., LLC; 57 Seaview Boulevard, Port Washington; Section 6, Block  
3 89, Lot 18; Zoned: Modified Planned Industrial Park-MPIP.

4 Variances from 70-184.17.B(2) and 70-184.17.B(3) to construct  
5 a sign that is too large and too close to a property line.

6 CHAIRMAN MAMMINA: You heard Appeal #21560, Tully-Willetts  
7 Realty Co., LLC. Is there anyone in the room who wishes to speak  
8 regarding this application other than the applicant? See no hands.  
9 Please give your name and address.

10 MR. MARINO: Good afternoon. My name is Vincent Marino. I am  
11 the owner of Marigold Signs doing business as Signarama located at  
12 485-34 South Broadway, Hicksville, New York.

13 I'm here in regard to the Tully Group at 57 Seaview Boulevard  
14 in Port Washington. We're proposing a sign, which is this sign here  
15 that would be 33 square feet as opposed to the requirement of 24 square  
16 feet height. We have photos that were taken this week, and we show  
17 that we're in conformity with the -- all of these photos came from  
18 Seaview Boulevard. It's essentially an industrial road. Nice  
19 buildings. Nice signage. Most of these signs are larger than what  
20 we're proposing. So, we feel it's in conforming with the character  
21 of the area.

22 I show just a picture of the building here. The building is  
23 in excess of 500 lineal feet. It's a very large building, and this  
24 is the rear of the building and this is really the front. We're  
25 looking to put the sign right here by the -- this is the front of  
26 the building technically over here. So there's two entrances to the



1 building and we're just recommending to put the sign at the entrance  
2 where the main entrance is, so it would essentially get the cars to  
3 turn in to where that sign is into the parking lot.

4 The second area that we're asking really from is the setback,  
5 35-foot setback doesn't really work here. Number one, it would put  
6 us into the parking lot. They have a very large parking lot, which  
7 is shown here. So it would put us somewhere back here in the parking  
8 lot, and it -- really, the purpose of the sign, like I said, before  
9 is to get the clients or the visitors to turn into that area and park  
10 into that -- the front of that building where the entrance is. So  
11 that's the two things we're looking for.

12 CHAIRMAN MAMMINA: It's probably bad drafting, which I'm not  
13 saying that in any derogatory way, but the only drawing that I see  
14 that locates it is T1.0, and it's very hard for me to read that at  
15 this reduced scale, but I see a little read line tick on there that  
16 looks like it's actually off the property. Now, do we -- I mean,  
17 there's a required setback --

18 MR. MARINO: Are you looking at something like this? We're --

19 CHAIRMAN MAMMINA: Where is your -- where is that end?

20 MR. MARINO: We're proposing approximately six feet from that  
21 property line back.

22 (WHEREUPON, a discussion was held among Board Members.)

23 MEMBER DONATELLI: On the plans that we have before us, it's  
24 showing that the sign is on -- off of your client's property. It  
25 is on street bed right of way.

26 MR. MARINO: Do you have -- I don't have that drawing. Do you

1 have it -- can I look at that?

2 MEMBER DONATELLI: Sure. Ginny, maybe you can show this?

3 SECRETARY WAGNER: You're looking at the survey?

4 ATTORNEY ALGIOS: They're on the survey.

5 MEMBER DONATELLI: It's on the application. It's on the  
6 survey, yeah. Maybe it's just in exact where the red hash mark is.

7 (WHEREUPON, a discussion was held among Board Members.)

8 MEMBER DONATELLI: So my question is, or I guess the chairman's  
9 question is, it looks like the mark is on the outside of the property  
10 line.

11 (WHEREUPON, a discussion was held off the record.)

12 CHAIRMAN MAMMINA: With all due respect, you should know what  
13 you're talking about before you present. I'm kind of shocked on some  
14 level.

15 ATTORNEY ALGIOS: It looks like this is a right of way. Have  
16 you confirmed?

17 MR. MARINO: We haven't confirmed the exact spot of that  
18 property line, but we would obviously do that prior to installing.

19 CHAIRMAN MAMMINA: I'll give you this. I'm shocked is the only  
20 word that I can use; that you'll come in here asking for a sign and  
21 you don't know where the sign is. You don't know if the sign fits.  
22 You don't know where the property line is, and I don't know, you know.  
23 I don't know if we should just rehear the application. I can't make  
24 your application for you, but I'm pointing to the fact that your  
25 drawing doesn't show it, so I would go back to Grammar Consultants  
26 and say, hey, what are you guys doing to me?

1           You sell signs. You don't create surveys. How do you know it's  
2 going to be back six feet? How do you know it's not gonna be in the  
3 parking lot?

4           MR. MARINO: No, we would make sure that is set --

5           CHAIRMAN MAMMINA: I can't accept we would make sure.

6           MR. MARINO: -- back to the proper location.

7           CHAIRMAN MAMMINA: I need a survey through that area that shows  
8 at the dimension from the property line to the curb on the inside  
9 and then how your sign fits into that.

10          MR. MARINO: Okay.

11          ATTORNEY ALGIOS: So the Board when they approve a variance,  
12 they approve it per the plans, so the plans have to accurately reflect  
13 where it's going to be.

14          MR. MARINO: Okay. And it's not doing that. Okay. I'll -- so  
15 what is my recourse here? Do I need to show you on the survey exactly  
16 what that sign is with a new image?

17          ATTORNEY ALGIOS: We'll continue. Let him fix it.

18          CHAIRMAN MAMMINA: Yeah, that's it.

19          MEMBER HERNANDEZ: Resubmit, yeah.

20          CHAIRMAN MAMMINA: Exactly.

21          MR. MARINO: What was that? I didn't hear the answer.

22          CHAIRMAN MAMMINA: As Ms. Algios said, we'll continue the  
23 application, which just means, as I said earlier, I think you were  
24 here from the very beginning that you're not approved, you're not  
25 denied, you're not -- we need additional information.

26          MR. MARINO: Okay.

1 CHAIRMAN MAMMINA: So, this gives you an opportunity to hire  
2 a surveyor, okay? And show those dimensions on there. I would  
3 suggest maybe they blow that area up a little bit just to make sure  
4 that your sign is not -- not in that first parking space.

5 MR. MARINO: Yeah.

6 CHAIRMAN MAMMINA: And then automatically, you know, my  
7 impression if I'm the guy installing the sign, I'm just gonna move  
8 it forward to get it where I need it, you know, and then on your final  
9 signoff, it's not in the right place.

10 MR. MARINO: But I'm resubmitting that paperwork. Am I  
11 emailing? Do I have to come back here? How does that work?

12 ATTORNEY ALGIOS: You don't have to come back.

13 MR. MARINO: You'll give me an email address?

14 SECRETARY WAGNER: Send it to the BZA Department. Didn't you  
15 make the application?

16 MR. MARINO: Tully made the application. He was not able to  
17 be here. I own the sign company. We're installing the sign and  
18 making the sign, so they submitted the application. I did not. So  
19 if you'd just give me the contact information and all --

20 MEMBER GOODSELL: While we're talking about that. Let me ask  
21 you a question about the sign itself. It's an illuminating sign;  
22 is that correct?

23 MR. MARINO: Yes, ma'am.

24 MEMBER GOODSELL: And the illumination is from 9:00 P.M. to  
25 9:00 A.M. if I read the application correctly?

26 MR. MARINO: I don't know what they put, honestly, but most

1 likely 99 percent of our signs, I mean, that'll go on timer or a  
2 sensor, so as it gets dark, it'll go on.

3 MEMBER GOODSSELL: Right.

4 MR. MARINO: And then when it gets lighter, it will go off.

5 MEMBER DONATELLI: Do you know --

6 MEMBER GOODSSELL: I'm not --

7 MR. MARINO: That to me, it doesn't sound right to 9:00 A.M.

8 MEMBER GOODSSELL: It didn't sound right to me, either because  
9 I'm not quite sure what kind of business they're in, but I'm sure  
10 they're not starting work at 9:00 P.M. and ending 9:00 A.M.

11 MR. MARINO: No, they're not. They're a construction company.

12 MEMBER GOODSSELL: That is an error then that's in the  
13 application.

14 MR. MARINO: I should also have that corrected.

15 (WHEREUPON, a discussion was held among Board Members.)

16 MEMBER DONATELLI: I do have one other question. Which  
17 is -- sorry, it popped in and popped out of my mind. Is there only  
18 one tenant in the building?

19 MR. MARINO: As far as I know, yes. Tully bought the building,  
20 so they're the construction that now owns the building, and I was  
21 hired to design and fabricate and install the sign.

22 MEMBER DONATELLI: So, again, procedurally, when we grant a  
23 sign variance, we grant the exact location of the sign variance.

24 MR. MARINO: Yep.

25 MEMBER DONATELLI: You would then install it and the Building  
26 Department would come and make sure that the compliance is exactly

1 where it was agreed.

2 MR. MARINO: It's supposed to be.

3 MEMBER DONATELLI: If your plans don't show that, then we're  
4 actually saving you some effort.

5 MR. MARINO: Yeah, I agree. Believe me, I agree. I need to  
6 confirm the property line location. I'll set it back as far as  
7 possible. I think the application said six feet but it might be three  
8 feet. We'll have to amend that --

9 MEMBER DONATELLI: Again, people --

10 MR. MARINO: -- and then present.

11 MEMBER DONATELLI: It's very routine for non-surveyors,  
12 non-attorneys to make a mistake of thinking that the property line  
13 is right where the street ends. That is not the case.

14 MR. MARINO: Okay.

15 MEMBER DONATELLI: So that's why I'm suggesting that you hire  
16 or have the surveyor actually locate the exact place.

17 MR. MARINO: Yeah, I will. Thank you.

18 CHAIRMAN MAMMINA: Thank you.

19

20

21

1 SECRETARY WAGNER: Next Appeal #21546, Blue Wave (Wei Yu); 344  
2 Hillside Avenue, Williston Park; Section 9, Block 142, Lot 28; Zoned:  
3 Business-A.

4 Variance from 70-103.0 and conditional use 70-126.A to legalize  
5 existing work and to construct new interior alterations to convert  
6 a former retail space to an existing restaurant (a conditional use)  
7 and to legalize a drive aisle that is too narrow.

8 CHAIRMAN MAMMINA: You've heard Appeal #21546, Blue Wave (Wei  
9 Yu). Is there anyone in the room who's interested in the application  
10 other than the applicants? Seeing no one.

11 MR. YANG: All right. Good afternoon, Chairman and Members of  
12 the Board. My name is Jerry Yang. I'm from HT Associate  
13 Architectural Engineering firm. I'm here on --

14 SECRETARY WAGNER: Slow down.

15 CHAIRMAN MAMMINA: Slow down.

16 MR. YANG: All right, sorry about that. I'm here on behalf of  
17 my clients Blue Wave Restaurant or Wei Yu, who's the business owner.  
18 She's right behind me.

19 This establishment has always been a business since -- the  
20 earliest record I could find was 1987. It was approved for a  
21 restaurant, and it continues operating as a restaurant. We found  
22 Google Image showing 2007 operating as Paradise Island.

23 CHAIRMAN MAMMINA: Slow.

24 MR. YANG: Oh, slow down, okay, sorry.

25 CHAIRMAN MAMMINA: Read nice and slow.

26 MR. YANG: Okay, and in 2007, operate as a restaurant for the

1 name of Paradise Island. 2012, Zen Asian Bistro Restaurant. 2017,  
2 Kehan Chinese Restaurant, and until 2008 -- August of 2018, my client  
3 they purchase the business along with the existing lease with the  
4 current landlord and change the name to Blue Wave Restaurant.

5 Again, we have on record from the record room showing that  
6 restaurant is that approved back in June 4, 1987, with 84 occupy  
7 seatings, and the reason that my client have to submit application  
8 because they received violation for work without permit back in  
9 April 7, 2023 for the work that previous owner, the business owner  
10 did. But nonetheless, they're here today trying to seek approval  
11 on the continue of the special use and the parking variance.

12 MEMBER GOODSELL: Mr. Chairman, I can confirm that it's been  
13 a Chinese restaurant or Asian restaurant for many, many years  
14 throughout the time that I lived -- and I live in that neighborhood.

15 MR. YANG: Right.

16 MEMBER GOODSELL: And I do remember that it was there, and I  
17 do remember that it was good, and we patronized it. I did notice  
18 that there was a name change.

19 MR. YANG: Right.

20 MEMBER GOODSELL: Your client was not aware that the work  
21 required permit, change of ownership might be required.

22 MR. YANG: Well, when she we took up the restaurant, she did  
23 not do any interior work or any construction work.

24 MEMBER GOODSELL: Okay.

25 MR. YANG: All the work that was existing right now on the  
26 current condition was done by the previous business owner. So when



1 we submit the application, we had to legalize as a result of the  
2 violation. There was a couple of things that was uncompliant to the  
3 current building code. There's lack of ADA bathrooms for male and  
4 female, which triggers us to improvise or modify the existing space  
5 to provide that ADA accessibility to the bathrooms.

6 MEMBER GOODSELL: What other changes to the interior are you  
7 making?

8 MR. YANG: That's pretty much it.

9 MEMBER DONATELLI: How many seats are you proposing now?

10 MR. YANG: Right now we're -- previously on the record drawing  
11 was 54, and now, we're actually providing it lower. We're providing  
12 46 patrons and two employees, so that give us 48.

13 CHAIRMAN MAMMINA: May I just ask an unrelated question?

14 MR. YANG: Yeah.

15 CHAIRMAN MAMMINA: Why on the drawing S100, do you have a trust  
16 type identification, ID sign? I mean, are you rebuilding?

17 MR. YANG: No, we're not. I think that was just they -- my staff  
18 must put in there as a template, but there's no trust system. It's  
19 gonna be a channel -- metal channel starts.

20 CHAIRMAN MAMMINA: Make sure you yell at them 'cause people --

21 MR. YANG: Sure, I will do that. Chairman, I will definitely  
22 do that when I get back to the office.

23 CHAIRMAN MAMMINA: Don't reuse the template.

24 MR. YANG: I keep on telling them the same thing, but, you know,  
25 some staff just don't listen.

26 MEMBER DONATELLI: This matter before us is for a conditional

1 use permit for the current restaurant owner. It's also before us  
2 for the variance of the drive aisle.

3 MR. YANG: Yes.

4 MEMBER DONATELLI: Can you address that?

5 MR. YANG: That drive aisle has always been there. There is  
6 no parking really provided for the patrons for the restaurant, and  
7 I spoke to my clients, most of their business is operating based on  
8 takeout; 80 percent business are generated with takeout, and only  
9 20 percent are with the seatings, and it was -- the restaurant with  
10 the seating would never occupy at 100 percent capacity. And most  
11 of the patrons who come into the restaurant to eat they tend to park  
12 on the street parking rather than utilizing the back yard, the rear  
13 parking.

14 MEMBER DONATELLI: And the delivery? The takeout?

15 MR. YANG: Yeah.

16 MEMBER DONATELLI: Where do those drivers park?

17 MR. YANG: Well, we actually try to modify the parking a little  
18 bit in the back yard. So you can see on the Z100 page. We're going  
19 to use loading zone that's at the rear corner.

20 MEMBER DONATELLI: I'm sorry, on what page?

21 MR. YANG: Z100.

22 MEMBER DONATELLI: D100?

23 MR. YANG: It should be the first page of -- the second page  
24 of the drawing.

25 MEMBER DONATELLI: Okay, hold on a second. Okay, A100?

26 MR. YANG: No, Z100.

1 MEMBER DONATELLI: D100.

2 MR. YANG: Z, as in zebra.

3 MR. PERROTTA: Like the radio station.

4 MEMBER DONATELLI: Ah, okay.

5 MEMBER GOODSSELL: Oh, okay.

6 MEMBER DONATELLI: And they're not in alphabetical order.

7 MR. YANG: Alphabetical order as in -- it should be the second  
8 page of entire drawing set.

9 MEMBER DONATELLI: Got it.

10 MR. YANG: So on that top plan that we dedicate a loading zone  
11 in the rear of the property, 25 feet by 10 feet.

12 MEMBER DONATELLI: And is there access to the restaurant from  
13 there?

14 MR. YANG: Yes, there's a back entrance.

15 MEMBER DONATELLI: And is your client familiar with what we call  
16 the standard restaurant conditions? Refrigerated garbage?

17 MR. YANG: Yeah. We have also proposed that on our drawing a  
18 refrigerator waste container in the basement.

19 CHAIRMAN MAMMINA: It's got to be refrigerated.

20 MR. YANG: Yeah.

21 CHAIRMAN MAMMINA: And then also, all exterior doors have to  
22 be solid construction.

23 MR. YANG: Yes.

24 CHAIRMAN MAMMINA: And they have to remain closed at all times.  
25 I think that would probably be the only ones that would apply.

26 MEMBER DONATELLI: Well, it's always dangerous when we're --

1 MEMBER GOODSSELL: For a limited period of time.

2 CHAIRMAN MAMMINA: Yeah.

3 MEMBER GOODSSELL: We approve limit for five years, three years.

4 CHAIRMAN MAMMINA: I would leave to you on the basis of previous  
5 experience. These are the new owners.

6 (WHEREUPON, a discussion was held among Board Members.)

7 MEMBER GOODSSELL: I can just say from personal experience that,  
8 yes, it confirms what you say that the vast majority of food service  
9 is by takeout.

10 MR. YANG: Right.

11 MEMBER GOODSSELL: There is parking on the street but quick  
12 parking.

13 MR. YANG: Yeah.

14 MEMBER GOODSSELL: 'Cause people come in and go out.

15 MR. YANG: Right.

16 MEMBER GOODSSELL: And, yes, when it was Island Paradise, I did  
17 go in and sit down.

18 MR. YANG: Right.

19 MEMBER GOODSSELL: But for the most part, when you're a busy  
20 working mother of three kids, you do take out.

21 MR. YANG: Right.

22 MEMBER GOODSSELL: So I did find that this is working;  
23 surprisingly enough, it works.

24 CHAIRMAN MAMMINA: Okay, is that the motion?

25 MEMBER GOODSSELL: Mr. Chairman, as you know, I'm all about the  
26 food. I have no objections to the application. As limited as this

1 space is, it is an older building and access is limited in the back  
2 of the building. There's a row of stores they're all attached.  
3 Access is limited. Even though access is limited from the rear of  
4 the building, I found that it worked for the neighborhood. It's not  
5 a congested area of the neighborhood. For that reason, with  
6 restaurant condition, I propose we grant this application.

7 CHAIRMAN MAMMINA: We have a motion.

8 MEMBER DONATELLI: Second.

9 CHAIRMAN MAMMINA: So, we have a motion by Member Goodsell. A  
10 second by Member Donatelli. Please poll the Board.

11 SECRETARY WAGNER: Hold on one second. I missed that.  
12 Patricia motion and second --

13 CHAIRMAN MAMMINA: And Jay.

14 MEMBER HERNANDEZ: Dan.

15 CHAIRMAN MAMMINA: Dan.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Member Donatelli?

21 MEMBER DONATELLI: Aye.

22 SECRETARY WAGNER: Chairman Mammina?

23 CHAIRMAN MAMMINA: Aye. Application is granted.

24 MR. YANG: All right. Thank you, Mr. Chairman and Members of  
25 the Board.

26 MEMBER DONATELLI: Good luck.

1 CHAIRMAN MAMMINA: Good luck.

2 SECRETARY WAGNER: Thank you.

3 MR. YANG: Thank you.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 SECRETARY WAGNER: Does somebody want to adopt SEQRA?

2 MEMBER GOODSSELL: Yes, I'll make the motion that we adopt SEQRA.

3 CHAIRMAN MAMMINA: Do we have a second?

4 MEMBER HERNANDEZ: Second.

5 CHAIRMAN MAMMINA: SEQRA is adopted.

6 SECRETARY WAGNER: All in favor?

7 BOARD MEMBERS: Aye.

8 (WHEREUPON, the proceedings concluded at 1:11 P.M.)

9 \* \* \* \*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

STATE OF NEW YORK )  
SS.:  
COUNTY OF NASSAU )

I, Mariesel Berrios, a Shorthand (Stenotype) Reporter and Notary Public, do hereby certify that the foregoing proceedings, taken at this time and place aforesaid, is a true and correct transcription of my shorthand notes.

I further certify that I am neither counsel for nor related to any party to said action, nor in any wise interested in the result our outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 11<sup>th</sup> day of July, 2024.

*Mariesel Berrios*

\_\_\_\_\_  
MARIESEL BERRIOS