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TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Wednesday
July 17, 2024
10:11 a.m.

BOARD MEMBERS PRESENT:

- David L. Mammina, Chairman
- Leslie Francis, Vice Chairman
- Patricia Goodsell, Member
- Daniel Donatelli, Member
- Jay Hernandez, Member

ALSO PRESENT:

- Deborah Algios, Deputy Town Attorney
- Virginia Wagner, Secretary
- Nicole L. Basile, Court Reporter

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CHAIRMAN MAMMINA: All right. If everyone would please rise and join the Vice Chairman Francis in the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

CHAIRMAN MAMMINA: Thank you, everyone and good morning and welcome to the Town of North Hempstead Board of Zoning Appeals. What I like to do is just kind of run through the way we do business here in case you've appeared before other zoning boards. We may do things a little bit differently procedurally or if you've never been to a zoning board before and if that's the case, I'll ask you just to stay calm and pretend like you're talking to us just across your kitchen table, because that is indeed the way that we try very hard, you know, to run this. So what we'll do is as each case is called, it will then be called by -- by our secretary and -- Ms. Wagner and the -- I will then call the case again and then whoever is the applicant, in other words whoever its case belongs to, they will come up to the podium. In the meantime, I will ask if anyone else has any interest in the case. So that may be I hate the case, I love the case. The only thing that I would ask is that we focus on what the subject of the case is, because that's all that we have, you know, any jurisdiction over. You know, so if the case is about the height of a build, you know, then, you know, we really can't talk about the tree that's growing over, you know, into your side of the property

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or a fence where it's not supposed to be, because that's within our jurisdiction and that is what we look at. So we will then ask the applicant to give their name and address and you will give that to our reporter. You know, we ask throughout the proceeding when anybody is up here, just make sure it's kind of slower. She's excellent but, you know, when you get the speed reading thing, you know, it's very difficult for her. And every person as they come up, even if there are other people with interest, they will give their name and address, you know, as well. When that is done, then the applicant will put their case onto the record with whatever they feel they want to put on there to -- to make their argument for why the variance -- excuse me -- is justified. When they are done, if there is anyone who wishes to speak, then we will ask the applicant just have a seat and we'll have that person come up, name and address and then the microphone belongs to them. And, you know, same thing, let's just focus please on what the case is. We also recognize that for a lot of people these things can get a little bit emotional. We'll ask, you know, to try to understand that the board understands that. So when that is done and the board then has asked whatever questions it wants to ask, we invite the applicant back up so that the board can ask some questions and things and the applicant can either support what was said or refute what was said. When that is done, the hearing is done 99 percent of the time and the board

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2 will do one of four things. We will either -- we will
3 disapprove the application, we will approve the application, we
4 can continue the application and if we continue it, that means
5 that we need some more information that either the applicant is
6 going to provide, you know, to us. It could be a document from
7 a closing, could be an older survey that they feel that -- that
8 they have, the board might ask for something and then the last
9 thing that we would do is we would reserve the application. If
10 we reserve the application, it means that we have everything
11 that we need in order to -- in order to make a decision on the
12 case. And I will say that 99 and a half percent of the time,
13 only the applicant gets to speak two times. Okay. Because
14 they have the right to come up then and either support or
15 refute and if we were to go back and forth, back and forth,
16 back and forth, you know, essentially we can be here all day
17 and we are not trying to deprive anybody, you know, of their
18 total chance to put whatever they'd like on the record. If we
19 continue, you know, a case, you know, then the record remains
20 open and, you know, somebody can send something else if they
21 want to and, you know, then the board will not -- will not make
22 a decision, you know, typically on that, even within the next
23 hearing. Decisions could come in at the next hearing, maybe
24 two hearings, you know, that sort of thing depending on, you
25 know, when the board is satisfied with everything that it has
26 and when the public has submitted, you know, whatever they feel

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2 they may want to submit. So with all of that said and I think
3 did I hit everything everybody? Oh, three minutes is our time
4 limitation for anyone who wishes to speak, either against an
5 application or for an application. And what I like to say is,
6 you know, we're not chopping anybody's head off at the end of
7 the three minutes, but we have to keep the hearing going. So
8 we ask that there be some specificity that you put in there.
9 You know, as I said we're not throwing you out the door in
10 three minutes, but we like to reinforce that there is some time
11 limitation on that. Thank you, Mr. Francis. So the other
12 things that I would like to say is that, you know, as everybody
13 sees we have all of our electronic devices now that we're all
14 connected at the hip and the hands, you know, to those. So we
15 have ours on silent. We hope. You know, because we will be
16 following the case and things on our screens and so we just ask
17 that everybody take your phones or whatever, put them on silent
18 and if you have to make a call or take a call at any time, you
19 can just stand up, scoot around, you know, and head out into
20 the lobby area. If there's anyone who is coming to join you,
21 then please ask them the same, because the ringing or whatever
22 going off is very disturbing, you know, to everybody else in
23 the room who is concentrating on the case, certainly, you know,
24 to the board, our poor stenographer, you know, is then getting
25 multiple things being, you know, being said. So if we could on
26 that. If -- the other thing is that we keep side talk or

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whatever to a zero. Okay. Because, again, it's very, very difficult when somebody else is talking about their case or where they want to go to lunch after this. If you want to have a conversation, stand up and head out there. It's absolutely fine and, you know, we will ask if anyone is not here who is coming, that you please repeat that to them.

So I think with all of that said, Ms. Wagner, do we have any modifications to today's calendar?

SECRETARY WAGNER: We have an adjournment of Appeal Number 21580, Lisa David; 50 Bregman Avenue, New Hyde Park; Section 8, Block 212, Lot 110 in the Residence-C Zoning District. Variances from 70-49(C), 70-51(A) and 70-52.3, to construct a new home that would be too big, too close to the street, and encroach into the sky exposure plane. That will be adjourned until September 4th.

We also have an adjournment of Appeal Number 21562, Da-Angelo (Stefano Giangrande); 815 Willis Avenue in Albertson; Section 9, Block 657, Lot 22 in the Business-A Zoning District. Conditional Use under 70-126.A and Variances from 70-103.A, 70-103.B, 70-103.M, 70-134, 70-229.A, to legalize a two-story addition and conversion of second-story apartment to a restaurant (a conditional use) with not enough off-street parking, parking spaces that are too small, parking in a front yard setback, a rear yard setback that is too small, and not in conformance with a prior BZA approval. That is adjourned

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without a date.

CHAIRMAN MAMMINA: Okay. So what that means is those two cases will not be heard today. So if you are here, you know, for that Appeal 21562, Da-Angelo, 815 Willis Avenue, that is reserved without date. So we don't know when it'll come back. We don't know if it'll come back. And, you know, then 21580, Lisa David, that is adjourned to September 4th. So that typically is a date certain and I will say that when I see the word September, I get very depressed because that means my summer is going away. But so be it.

So with all of that said then, Ms. Wagner, will you please call the first case?

SECRETARY WAGNER: I just want to check. You look like you're confused about something. Do you have a question about something? In the second row.

UNKNOWN SPEAKER: The last case you had brought up. That's been adjourned until September 4th?

SECRETARY WAGNER: The 21580, Lisa David. Were you here for that?

UNKNOWN SPEAKER: Yes.

SECRETARY WAGNER: Okay. That's been adjourned. Yes. That will be heard September 4th and they'll be sending out notices by regular mail.

UNKNOWN SPEAKER: Notifications for that?

SECRETARY WAGNER: Yes, just by regular mail.

1 Appeal Number 21576

2 UNKNOWN SPEAKER: Thank you.

3 CHAIRMAN MAMMINA: No, thank you. Because while we
4 certainly invite people to sit and watch all of this fun.

5 SECRETARY WAGNER: There will be a slight change in the
6 caption for that appeal so.

7 UNKNOWN SPEAKER: We will get something in the mail
8 anyway.

9 MEMBER GOODSSELL: Yes.

10 MEMBER HERNANDEZ: Yes.

11 SECRETARY WAGNER: By regular mail, yes.

12 CHAIRMAN MAMMINA: Thank you. I'm glad you picked that
13 up.

14 SECRETARY WAGNER: Appeal Number 21576, Daniel and
15 Shari Ross; 36 Oxford Boulevard, Great Neck, Section 2, Block
16 152, Lot 6 in the Residence-A Zoning District. Variance from
17 70-30.B, to construct an addition that is located too close to
18 the street.

19 CHAIRMAN MAMMINA: You've heard Appeal Number 21576,
20 Daniel and Shari Ross. If the applicant would please come
21 forward. Is there anyone who has interest in this application
22 other than the applicant? Seeing no one. Please give your
23 name and address.

24 MR. DUGIGNAN: Good morning distinguished board. My
25 name is Michael Duignan. If it's okay, I have about 90 seconds
26 of prepared comments. Is that okay?

1 Appeal Number 21576

2 CHAIRMAN MAMMINA: Yes.

3 SECRETARY WAGNER: No, it's only for the public the
4 three minutes. The applicant has --

5 CHAIRMAN MAMMINA: I'm sorry, I didn't say that. Yes.
6 And the only thing we ask is if it's prewritten, just go a
7 little bit slow, because I know I'm always guilty if something
8 is prewritten, you know, I'm kind of plowing through it, you
9 know, and she has to be taking a record down. So thank you.

10 MR. DUGNAN: Very good. Thank you. My name is
11 Michael Dugnan and I'm a registered architect since 1992. I'm
12 a principal at Long Island Architecture Studio located at 1943
13 Wantagh Avenue, Wantagh, New York. I am representing our
14 clients Daniel and Shari Ross who own and reside at the subject
15 property of 36 Oxford Boulevard in Great Neck. Section 2,
16 Block K, Lot 152 in Zone RA, which is a nonconforming lot where
17 an existing one-story mid century ranch sits. And our proposal
18 is for a new second-story addition above the ranch. We are
19 requesting a front yard variance along Governors Court. It is
20 a corner property with the existing front yard setback along
21 Governors is 25.1 feet. We are not proposing any change to
22 this setback. The new second floor wall is proposed to be over
23 the first floor wall and also have a setback of 25.1 feet. In
24 the neighborhood, the majority of the two story homes also
25 along governor has similar setbacks and some even less. The
26 property adjacent to the south has an existing less setback

1 Appeal Number 21576

2 then the subject property. Daniel and Shari have exhibits
3 here. The homeowners have resided in the house for a number of
4 years. They have reached out to a few of their neighbors, most
5 of them are adjacent. There are five letters here indicating
6 support of the new addition and variance.

7 SECRETARY WAGNER: This will be Exhibit 1.

8 MR. DUIGNAN: Those are the originals. The addresses
9 that are -- that are included in those letters, 35 Oxford, 37
10 Oxford, 42 Oxford. 12 Governors and 5 Cambridge and, again,
11 all in very close proximity, if not adjacent, directly across
12 the street. All of the neighbors that would be most affected
13 by this addition are included. We have also reviewed, you
14 know, reviewed the neighborhood. We've done foil searches
15 looking for precedence where homes have been approved with
16 similar or less front yard setbacks. Again, they're along
17 Governors Avenue which is the side yard where our addition is
18 proposed and I have prepared a map if the board would
19 appreciate seeing it, indicating the variances and the
20 approvals with such.

21 CHAIRMAN MAMMINA: Certainly please, because that
22 supports your -- your application.

23 SECRETARY WAGNER: Are you submitting this to the
24 board?

25 MR. DUIGNAN: Yes.

26 SECRETARY WAGNER: This will be Exhibit 2.

1 Appeal Number 21576

2 MR. DUIGNAN: So in conclusion of my prepared remarks,
3 we feel the proposed addition certainly fits within the
4 character of the neighborhood. Particularly from a technical
5 standpoint, where many of the houses have equal or less front
6 yard setbacks and we feel that the house -- well, not we feel,
7 but factually the house complies with all other zoning
8 ordinances in terms of setbacks, et cetera, volume, et cetera
9 and there is no history of a zoning board variance granted at
10 this property. Thank you.

11 MEMBER DONATELLI: I think you addressed this already
12 in your remarks, but just to be clear, you are building above
13 the existing foundation only. We are not increasing the
14 nonconformity. Is that correct?

15 MR. DUIGNAN: That is correct, sir.

16 CHAIRMAN MAMMINA: The only place where it extends a
17 little bit further is in the rear of the building. There's
18 like a one foot overhang.

19 MR. DUIGNAN: Yes, sir. And that conforms with the
20 rear yard setback.

21 MEMBER GOODSSELL: That one foot difference makes --
22 because I had something similar and it makes all the difference
23 in the space.

24 MR. DUIGNAN: For the interior. Yeah. Absolutely. It
25 does. Every foot square counts.

26 CHAIRMAN MAMMINA: We're not an aesthetic board, but I

1 Appeal Number 21576

2 personally hate when people put it in the front of the house.
3 Unless they can make it fit the context of the house, but
4 that's okay. That's just my personal architect.

5 MEMBER GOODSSELL: It does seem that it will be a larger
6 house, but you do not have an issue with GFA and just for the
7 record there are no sky plane issues.

8 MR. DUIGNAN: Correct. Thank you.

9 CHAIRMAN MAMMINA: Do we have a motion?

10 MEMBER DONATELLI: I'll make a motion that we grant the
11 application.

12 CHAIRMAN MAMMINA: So we have a motion from Member
13 Donatelli. Do we have a second?

14 VICE CHAIRMAN FRANCIS: Second.

15 CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis.
16 Please poll the board.

17 SECRETARY WAGNER: Member Hernandez?

18 MEMBER HERNANDEZ: Aye.

19 SECRETARY WAGNER: Member Goodsell?

20 MEMBER GOODSSELL: Aye.

21 SECRETARY WAGNER: Member Donatelli?

22 MEMBER DONATELLI: Aye.

23 SECRETARY WAGNER: Vice Chairman Francis?

24 VICE CHAIRMAN FRANCIS: Aye.

25 SECRETARY WAGNER: Chairman Mammina?

26 CHAIRMAN MAMMINA: Aye. So the application is granted.

1 Appeal Number 21532

2 Thank you.

3 This is off the record.

4 (A discussion was held off the record.)

5 SECRETARY WAGNER: Appeal Number 21532, Petros &
6 Alexandra Konidaris; 66 Quaker Ridge Road, Manhasset; Section
7 3, Block 145, Lot 94 in the Residence-A Zoning District.
8 Variance from 70-31.A, to construct a garage addition that is
9 too close to the side property line and with smaller than
10 required total (aggregate) side yards.

11 CHAIRMAN MAMMINA: You heard Appeal Number 21532,
12 Petros and Alexandra Konidaris. Is there anyone in the room
13 other than the applicant who wishes to speak? Seeing no one.
14 Please give your name and address.

15 MR. KONIDARIS: Good morning, Members of the Board. MY
16 name is Petros Konidaris and I am here today as the property
17 owner of 66 Quaker Ridge Road in Manhasset, New York seeking
18 variances for the east side yard and side yard aggregate to
19 construct a 237 square foot addition to the existing garage
20 creating a one and a half car garage. The zone is Residence A
21 and a minimum east side yard setback of 10 feet is required by
22 ordinance. We are requesting 5.1 feet. We are also seeking a
23 side yard aggregate of 22.3 feet where 25.8 feet is specified
24 in the Town of North Hempstead building code.

25 My wife and I purchased our home in November '21, then
26 a family of three. Since then we welcomed our second son. Now

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2 we have two boys, two and three years old and quickly realized
3 that we need to renovate due to the houses deteriorating
4 condition. We understood this need for significant
5 improvements of the property and have diligently navigated the
6 permitting and construction process for building to bring our
7 vision to fruition. Upon closer inspection we discovered that
8 our 189 square foot attached garage is in dire need of
9 attention. It suffers from issues such as black mold, leaks
10 and structural instability rendering both hazardous and
11 inadequate for our needs. The current state of the garage
12 necessitates a more substantial solution and will be requested
13 as part of the proposed garage expansion if approved by the
14 board. I have pictures that I can share of the garage if
15 that's also helpful.

16 SECRETARY WAGNER: You want to submit these to the
17 board?

18 MR. KONIDARIS: Sure.

19 SECRETARY WAGNER: This will be Exhibit 1.

20 MR. KONIDARIS: Our proposed enlargement is not merely
21 for convenience but essential for the safety and functionality
22 of our home and family. We have already undertaken significant
23 renovations to the interior of the house, including updates to
24 plumbing, electrical systems and installation of a new HVAC
25 system. We have completed the last stages of our major
26 interior renovation and the proposed garage addition will fit

1 Appeal Number 21532

2 in nicely as it matches the appearance of the existing garage,
3 not to cause an undesirable affect to the neighborhood. The
4 roof will remain flat and have the same look, merely slightly
5 wider. It's also worth noting that our property is not unique
6 in it's challenges. Many homes in our neighborhood,
7 particularly those with oddly shaped lots like our own
8 encounter similar issues with garage size and placement. I
9 have some examples of other homes in the immediate area that
10 have similar setbacks to their garages to accommodate the
11 modern needs. The majority of the neighborhood was built in
12 1930. Needless to say a lot has changed since them. I'm not
13 sure if you want to go ahead and include these as well.

14 SECRETARY WAGNER: This will be Exhibit 2.

15 MR. KONIDARIS: The proposed garage will not only
16 provide us with a safer and more functional space allowing us
17 to park vehicles without overcrowding driveways, but also
18 additional storage for our growing family's belongings. You
19 never really realize how much you have until you have two
20 little ones and what they amass. Toys and bikes, as well as
21 property maintenance tools and tons of sports equipment will be
22 stored here. As responsible homeowners investing in the
23 wellbeing of our property and community, we respectfully
24 request your consideration on the approval of the variance.
25 Appreciate your time and attention to this matter and I'm happy
26 to address any questions you may have.

1 Appeal Number 21532

2 VICE CHAIRMAN FRANCIS: We did receive some opposition
3 to your application from one of your neighbors. Did you get a
4 copy of that?

5 MR. KONIDARIS: I did not.

6 VICE CHAIRMAN FRANCIS: Oh, I'm sorry. I'm looking at
7 the wrong one.

8 MEMBER HERNANDEZ: No, you're looking at the right one.
9 It's for the neighbor directly next to the garage. You should
10 get a copy of it so you can see it.

11 MR. KONIDARIS: Okay.

12 CHAIRMAN MAMMINA: We can give you that now.

13 MR. KONIDARIS: I'm sorry?

14 VICE CHAIRMAN FRANCIS: We can give you a copy.

15 MR. KONIDARIS: Sure.

16 MEMBER HERNANDEZ: The other side of your house -- by
17 the way you've done a lot of work to your house. I live in the
18 neighborhood.

19 MR. KONIDARIS: Thank you.

20 MEMBER HERNANDEZ: I did the same thing 20 something
21 years ago.

22 MR. KONIDARIS: Yeah, we still have a lot more to go.

23 MEMBER HERNANDEZ: Always. As I look at your house, on
24 the right side of the house the property drops significantly.
25 It really changes level. There are -- there's some kind of a
26 retaining wall or some kind of a wall there. Is -- what's

1 Appeal Number 21532

2 behind that wall, has it been filled in or is it --

3 MR. KONIDARIS: So we're part of the Nassau County
4 Septic program, the GRANT program, excuse me. So we're waiting
5 to get the septic tank inserted to the right area so that we
6 can go ahead and backfill and then level that out so that you
7 can have a clear shot to the backyard from that drop that you
8 were describing with the --

9 MEMBER HERNANDEZ: So your plan is to basically take
10 down the tree that is there now and create a slope to the
11 backyard?

12 MR. KONIDARIS: No. No. It's not that far up. The
13 tree that's in the front in the side yard, those will remain.
14 The retaining wall is right behind those trees. So it matches
15 the front side of the house. That's where the retaining wall
16 begins.

17 MEMBER HERNANDEZ: But your cesspool should be in the
18 front yard of the house, correct?

19 MR. KONIDARIS: We cannot because I have a water line
20 and gas line. I said its an odly shaped lot. So it starts
21 very narrow and then it expands out in the back. So the water
22 line and the gas line are so close that we're not able to go
23 ahead and put the cesspool in the front yard so we had it
24 approved for the backyard.

25 MEMBER HERNANDEZ: I'm just trying to think, because
26 that property, from what I can see from the street, basically

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2 drops dramatically so how -- and that's what I was thinking.

3 MR. KONIDARIS: It's like a left to right drop. So
4 that's gonna be backfilled.

5 MEMBER HERNANDEZ: So then you're going to put a
6 retaining wall to your neighbors on the left.

7 MR. KONIDARIS: On the left side it's levelled. On the
8 left side it's level. On the right side is where it drops.

9 MEMBER HERNANDEZ: I'm not explaining myself clearly and
10 I didn't take a picture of it. Sorry. Col.

11 MR. KONIDARIS: So you're talking about if you're
12 looking dead on at the house?

13 CHAIRMAN MAMMINA: Just give me one second just to make
14 sure we're both on the same page.

15 MR. KONIDARIS: Sure. I think I can address that.

16 MEMBER HERNANDEZ: Go ahead.

17 MR. KONIDARIS: I had multiple proposals from ceptic
18 companies that came by and they said that they would be able to
19 use the right side of the yard because of what we've done with
20 the retaining wall. Now it kind of created almost like a level
21 entryway for them to get access to the backyard from the right
22 side of the house, because we knew that we were proposing the
23 expansion on the left side, which was traditionally where they
24 would gain access from.

25 MEMBER HERNANDEZ: Right.

26 MR. KONIDARIS: So because of that, you know, we went

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ahead and the retaining wall comes out and curves back in, not curves back in but there's a right angle towards the back of the property, towards the house so that we can create a flat area to gain entry to the backyard.

MEMBER HERNANDEZ: So they're going to put some kind of a ramp to get up to the retaining wall I would imagine because the retaining wall -- I see it from the street and I just saw it yesterday. I drove by it yesterday.

MR. KONIDARIS: Yeah. It's gonna be backfilled to a certain degree to create a flat area so that we can go ahead and gain access. Yeah. Because it would create a challenge for landscaping as well. You know, with a crane, the septic can go ahead and just drop it in, but landscapers, the whole nine. So that's something we were thinking through.

MEMBER HERNANDEZ: Your garage presently is obviously not usable. It was the garage -- my house was also built in the 30s. That house was built like every other garage on that block. They're all one car really small car garage and they all need to be expanded to some degree. The question is to what degree they need to be expanded. One of our concerns is always getting too close to your neighbor on the other side. You're making your garage significantly larger then both in width and in depth, because you're going out -- going in and expanding it as well. I think it's a total of 27 feet. So you're making your garage much deeper then a normal garage

1 Appeal Number 21532

2 would be, because I guess you're matching it to your house.

3 MR. KONIDARIS: Yeah, that was the intention.

4 MEMBER HERNANDEZ: Okay. So I did something very
5 similar, except that I didn't use the back of the house for the
6 garage. I basically used that as a hallway and put a bathroom
7 back there but I also extended it. But I didn't go anywhere
8 near past my 10 foot minimum requirement on the side yard of
9 the house. You're asking for a very large variance in the side
10 yard and -- because it brings your house very close to your
11 neighbor. It also makes it very, very difficult to get to the
12 back of your house, because once you put any foliage, which I'm
13 assuming you're going to plant given all the work that you've
14 at your house. You're going to put some plantings along the
15 side of your house, which is natural. It creates that kind of
16 privacy for your children in your backyard, that's going to
17 shrink that five -- what is it, five, four or something like
18 that.

19 MR. KONIDARIS: Yeah, we have put the privacy trees on
20 that side.

21 MEMBER HERNANDEZ: Those are going to grow three feet
22 in depth, you know, naturally. So now you have a two foot
23 separation between those trees and your garage. So it's really
24 a very, very, very tight space. Even a lawn mower would have a
25 hard time to get through to the back. So that's what I'm
26 personally resinating with and I think you're very, very close

1 Appeal Number 21532

2 on that side because of the fact that you've made the garage
3 what, 17 feet wide.

4 MR. KONIDARIS: I believe it's 16.

5 MEMBER HERNANDEZ: 16 something. The numbers are very
6 small so I'm having difficulty reading them. I'm sorry.

7 VICE CHAIRMAN FRANCIS: You'll see in the letter from
8 your neighbor, Ms. Reynolds, that those are two of her three
9 issues. Noise and privacy.

10 MEMBER HERNANDEZ: She also mentions sidewalks. We
11 have no sidewalks in this community so there is no -- sidewalks
12 are not an issue. The only children that should be there
13 should be your children and their friends. They're in there
14 house so it's not a problem. But the proximity to the side
15 yard really becomes -- to the side property line five foot one
16 inch it is really becomes half of what it really should be. I
17 don't know. You know, you have a 420 foot garage, part of it
18 which goes back. Okay. The storage area I'm assuming is the
19 one you're going to put in the back.

20 MR. KONIDARIS: Yeah. The cars will go in the front.

21 MEMBER HERNANDEZ: But to me it really makes your side
22 access very, very limited of five feet. Because, again, once
23 you put plantings, it wipes out three feet of your access. So
24 you're limiting yourself access to your backyard from that
25 side. Only giving yourself access from the other side and that
26 has other issues, which is the topography of the land. I don't

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2 know if anybody else has any comments about it. That's my
3 reservation.

4 CHAIRMAN MAMMINA: I agree. I agree with that. For a
5 Residence A it's a very significant variance. It doesn't mean
6 that maybe there isn't some kind of, you know, a small or
7 middle ground. I mean the other thing, you know, that -- that
8 I believe that you were here before.

9 MR. KONIDARIS: Yes.

10 CHAIRMAN MAMMINA: For a floor area variance and we
11 certainly appreciate, you know, where it ultimately went,
12 because we look at floor area very carefully. While this would
13 technically count as floor area, it doesn't put you over.

14 MEMBER HERNANDEZ: Yeah. It's fine.

15 CHAIRMAN MAMMINA: So you're still respecting that.

16 MEMBER GOODSSELL: Sir, have you by any chance discussed
17 with your architect possible alternatives. A standard for
18 garage, where I live, I believe is 12 feet by 20 feet which
19 would still put you over in the side yard, but it would be less
20 of an encroachment into the side yard. Have you considered
21 anything like. I mean I realize that we all want but we want.

22 MEMBER HERNANDEZ: Excuse me, Patricia. Yeah. The 27
23 I have no problem with going back, because it 's basically
24 within your property line.

25 MEMBER GOODSSELL: Exactly. I don't have a problem with
26 that either.

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2 MEMBER HERNANDEZ: They want 27, I have no problem with
3 that but usually it's 20. You're right. But that's fine.

4 CHAIRMAN MAMMINA: That also gives you space to put
5 bicycles, a little workbench and, you know, all those other
6 things.

7 MEMBER GOODSSELL: And seriously, you want to park a car
8 in a garage. I never hard of such a thing.

9 MR. KONIDARIS: Yeah. We don't really have a huge
10 driveway so it's tough kind of getting in and out of it so.

11 SECRETARY WAGNER: I wanted to let you read the letter.

12 MEMBER DONATELLI: Of course any decision that we make
13 in similar circumstances can be considered precedent for other
14 applications and I -- I personally, as one board member,
15 believe that there's -- side yard setbacks and aggregate side
16 yard setbacks are very important to the quality of life in the
17 town. It distinguishes us from other areas. Queens, the
18 Bronx, Brooklyn. And -- and so it provides a sense of open
19 space. It provides a sense of light, of air and so I guess I
20 would join in Mr. Hernandez's request to figure out if first,
21 there is some way we can pull back that garage to a place where
22 it still would serve a purpose that you want but have less of a
23 side yard encroachment. Less of an aggregate side yard
24 encroachment.

25 CHAIRMAN MAMMINA: If I could add one other thing to
26 that. You know, is from my own house which is impossible to

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2 park a car and there is no change to that ever, but I mean you
3 are showing on here -- to me it's the width of the garage door
4 that truly is an incubus, you know, and you do show it a 10
5 foot opening there, you call it a nine foot door on the other
6 side. But I think having that extra space, again, to get a car
7 in and, you know, Member Goodsell joked about getting a car
8 into a garage. I mean that still would -- if we were to scoot
9 this over some, you know, it would still give you the ability
10 to do that.

11 MEMBER HERNANDEZ: A standard packing space is 10 by 20
12 in a parking lot so that in theory you can get out of your car
13 and open your doors without necessarily banging into a car or a
14 wall and you're asking for 15 point something. So I think
15 there is little room that you and your architect can talk
16 through and, like I said, I'm not necessarily opposed to some
17 relief. But I think going down five feet and change, I think
18 is a disservice to you, as well as to your neighbor because you
19 are limiting your access to your backyard going through there.
20 And again, not that it's always a precedent, but someone down
21 the line will come back and say, you know, one of your
22 neighbors perhaps, well you approved that house that has a 5
23 foot one 5.4, whatever it is side yard, I want to do the same
24 thing and then all of a sudden it becomes very crowded and
25 every house in that neighborhood has the same problem.

26 MR. KONIDARIS: Yeah, and that's part of the challenge.

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2 That's what I submitted what I submitted, because all of those
3 lots are very oddly shaped so it's not conducive to kind of
4 adding a normal modern day garage.

5 MEMBER HERNANDEZ: And they're all on a slant so you
6 have to go where it's flatter and, you know.

7 MR. KONIDARIS: Yeah.

8 MEMBER HERNANDEZ: But it creates also the problem that
9 that's the way the house is built and there's really only so
10 much more you can do with it without really getting on top of
11 your neighbor.

12 CHAIRMAN MAMMINA: I apologize, Jay. Because there are
13 two variances, you know, here and one of them is aggregate side
14 yard, you know, which has to do with how much elevation does it
15 present to the street. But the board -- we recognize the
16 irregularity, you know, of this site. So for myself, as one
17 board member, I don't have any -- any problem with the
18 aggregate. It's really just scooting that over and I don't
19 know if you want to make a suggestion if he chooses to.

20 SECRETARY WAGNER: Chairman, I'm going to have him read
21 the letter that was sent in.

22 VICE CHAIRMAN FRANCIS: Yeah, please.

23 MEMBER HERNANDEZ: We can take a vote now, but I think
24 you get a sense of how we're feeling about the side yard
25 setback. We can continue it if you would like us to and then
26 you can speak to your architect about possibly coming back with

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2 a little bit of that so we will leave it up to you how you want
3 us to proceed.

4 VICE CHAIRMAN FRANCIS: And if you continue it, you
5 wouldn't have to come back up before us. You'd just have to
6 submit the plans.

7 MEMBER HERNANDEZ: Right.

8 MR. KONIDARIS: Okay. Yeah. So I think that's the
9 logical choice here. We'll go ahead and continue it and we'll
10 have a conversation.

11 VICE CHAIRMAN FRANCIS: One second.

12 MEMBER HERNANDEZ: I don't know how much you can hear
13 of what we were discussing, but we were basically talking about
14 how much -- right now you're asking for almost a 50 percent
15 reduction in side yard setback. That's very hard.

16 VICE CHAIRMAN FRANCIS: Sorry.

17 MEMBER HERNANDEZ: That's very hard for us to vote for
18 to be very honest with you. Could we see ourselves doing 20
19 percent reduction instead of five feet and two feet, that's
20 very much doable. That would give you roughly a 12 foot wide
21 garage and not have a 10 foot door. So you still have another
22 foot on the side for space so it's a reasonable size. The
23 depth of 27 feet, I think you've heard that no one has any
24 objection to the depth of it. So you can still have storage in
25 the back of the garage and some storage on the side. Minimum,
26 but some storage on the side. So if you can take it back to

1 Appeal Number 21532

2 your architect, discuss it with him and get him to redrew the
3 plan in that vain, I think we probably would look at it
4 favorably.

5 MR. KONIDARIS: All right. Thank you.

6 MEMBER HERNANDEZ: And like the Vice Chairman said, you
7 don't have to come back a second time and request a hearing.
8 You can resubmit the plan, because we're continuing the
9 application. You can resubmit the plans via e-mail and we can
10 vote on the new plans.

11 MR. KONIDARIS: Okay.

12 MEMBER HERNANDEZ: Okay. But we clearly see it is a
13 unique property and it has quirks to it that we have to accept.
14 That can't be fixed. But we also need to try not to set
15 precedence that could be harmful in the future.

16 MR. KONIDARIS: Okay. Thank you.

17 MEMBER HERNANDEZ: Okay. Thank you. So we're going to
18 continue it.

19 CHAIRMAN MAMMINA: So we'll continue this application.
20 Waiting for a revised plan to come in. Thank you very much.

21 MR. KONIDARIS: Thank you, Members of the Board.

22 CHAIRMAN MAMMINA: The next application the Vice
23 Chairman is going to take that. I have a quick call that I
24 need to make so I will be back in a minute.

25 SECRETARY WAGNER: So let the record reflect that the
26 care man is not present.

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2 Appeal Number 25177, Andrew Candres; 49 Shadyside Ave
3 in Port Washington; Section 4, Block 17, Lot 17 in the
4 Residence-B Zoning district. Variances from 70-41(A) and
5 7-40(A), to construct a second story addition too close to a
6 side property line and too close to a street.

7 VICE CHAIRMAN FRANCIS: You've heard Appeal Number
8 21577, Andrew Candres. Is there anyone in the room interested
9 in the application other than the applicant? Seeing now one.
10 Ms. Miller, please give your name and address.

11 MS. MILLER: Janice Miller Architect, 2 Lincoln Place,
12 Port Washington, New York.

13 VICE CHAIRMAN FRANCIS: Thank you. Dive right in.

14 MS. MILLER: Good morning. I'm here on behalf of Andrew
15 Candres who lives at 49 Shadyside Avenue, Port Washington.
16 They're seeking permission to build -- they have a Cape Cod
17 built in 1948 with a slope, you know, ceilings on the second
18 floor and they're seeking permission to build a full second
19 floor over the existing footprint. We have a couple of issues.
20 We're really 5.3 feet from the north side of the property. We
21 need to have seven. And we are 25.4 feet from the front and we
22 are supposed to have 30, but these are preexisting
23 nonconforming issues. So there are many houses in this
24 neighborhood who have extended the second floor as they hope to
25 do and we feel that it will integrate very nicely with the
26 neighborhood and give them the space that they need for their

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family.

MEMBER DONATELLI: Just a few clarifications if I may.

So you are merely building up on the existing foundation. You're not creating a great nonconformity that currently exists?

MS. MILLER: We are not creating a greater nonconformity, but in the back left corner, I think it's northeast possibly, there's a second floor addition that's about 15 square feet that is not over a first floor. But it is not any closer to the property line than the rest of the house.

MEMBER DONATELLI: And do you know when the house was built?

MS. MILLER: 1948 as I found. That's what I found.

MEMBER GOODSSELL: When I drove this neighborhood and I did, I looked at the property. We all look at properties. This house didn't appear to be any closer to the street than any of the other houses on the block. You're stuck with what you're stuck with. The law is the law, but that's why we have the Board of Zoning Appeals, because we understand that there are exceptions and we can't exactly ask everybody on the block to move their houses and we understand that families do need more room. So the front yard setback to me is very -- does not bother me and, again, the question is really the nonconformity of the house and expanding the nonconformity of the house. I see there are other houses on the block that have done

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2 expansions and I actually took a picture of the house to
3 refresh my recollection, which I actually thought was one of
4 the smaller houses on the block.

5 MEMBER DONATELLI: And I do have a question. As I look
6 at your Page A3 as part of your application, I think I'm seeing
7 an encroachment of a sky exposure plain?

8 MS. MILLER: Yes.

9 MEMBER DONATELLI: But you're not actually sited for
10 that. That's not part of the notice of disapproval in this
11 case?

12 MS. MILLER: It's not.

13 MEMBER DONATELLI: Oh, okay. All right. Withdrawn.
14 Thank you.

15 MS. MILLER: Okay.

16 VICE CHAIRMAN FRANCIS: Were you able to obtain any
17 consents from your neighbors? I mean it's not deadly if you
18 did not. Just give your name.

19 MR. CANDRES: Sorry. It's Andrew Candres, property
20 owner of 49 Shadyside. So we did send out letters to all the
21 neighbors and have been on the block for about 12 years now,
22 have great relationships with all the neighbors. I did not get
23 express consent from the neighbors, but, you know, they're
24 aware of the potential work on the house and what we are trying
25 to do.

26 VICE CHAIRMAN FRANCIS: And you did not get any

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2 opposition either so that pretty much answers the question.

3 MEMBER DONATELLI: Any other questions?

4 VICE CHAIRMAN FRANCIS: No.

5 MEMBER HERNANDEZ: The only thing I would point out is
6 that you do have that overhang in the back of the house, which
7 is fine. That you pointed out.

8 MS. MILLER: Yeah.

9 MEMBER HERNANDEZ: It is -- I don't know if it's an
10 access point there, a door or something there leading into that
11 room, because I don't see it on the plan, but be aware that I
12 don't know what your FAR is, but if you are close to your FAR,
13 do not close that space, because if you do, it may put you
14 over.

15 MS. MILLER: No. No. We're fine.

16 MEMBER HERNANDEZ: Okay. I'm just saying.

17 MS. MILLER: We're at 2,366.

18 MEMBER HERNANDEZ: I know builders will eventually say
19 oh, what if you close this off and make it into a mudroom or
20 something.

21 MS. MILLER: Oh, you mean in the future.

22 MEMBER HERNANDEZ: Or as they're doing the work the
23 builder says why don't you make this into a mudroom or
24 something and you end up back with a problem.

25 MS. MILLER: No, they better not do that.

26 MEMBER GOODSSELL: Well, not that we've never heard of

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that before.

MEMBER DONATELLI: All right. Any other questions, comments?

MEMBER HERNANDEZ: No. I have no problem.

MEMBER DONATELLI: I would just note for the record that the applicant is under the GFA so that this does not put the house over. In fact, what they're asking us to approve is the front yard setback of 4.6 feet and the side yard of 1.7 feet building over an existing foundation. If we were to look at the five factors, we would look at the cost of moving the foundation and put it in a compliant location. So having said all of that, I make a motion that we grant the application.

VICE CHAIRMAN FRANCIS: All right. We have a motion. Do we have a second?

MEMBER HERNANDEZ: Second.

VICE CHAIRMAN FRANCIS: Second by Mr. Hernandez. Can you please poll the board?

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Acting Chairman Francis?

VICE CHAIRMAN FRANCIS: Aye. Application is granted.

1 Appeal Number 21578

2 MS. MILLER: Thank you so much.

3 MR. CANDRES: Thank you very much.

4 SECRETARY WAGNER: Appeal Number 21578, Michele P.
5 Johnson; 118 Huntington Road, Port Washington; Section 5, Block
6 63, Lot 25 in the Residence-A Zoning District. Variance from
7 70-101.B, to legalize a front porch that is located too close
8 to the street.

9 VICE CHAIRMAN FRANCIS: You've heard Appeal Number
10 21578, Michele Johnson. Is there anyone interested in the
11 application other than the applicant? Seeing no one. Mr.
12 Alberto, please give your name and address.

13 MR. ALBERTO: Good morning, Board Members. John
14 Alberto, Architect, 68 Highland Avenue in Port Washington and
15 I'm here today with the owner of 118 Huntington Road, Michele
16 Johnson and we're here to maintain a roofed over front porch
17 with a front yard of 29.2, where the building has department
18 has identified 34.5 as is required. So we're here for a 5.3
19 foot encroachment into the front yard. I have some documents,
20 in fact I have eight copies of the package.

21 SECRETARY WAGNER: This will be Exhibit 1.

22 MR. ALBERTO: Those documents show that when the
23 Johnson's purchased the property in 1996, the roofed over porch
24 was existing. So if you look at that first page, there's a
25 survey from 3/20/96 by Kulhanek and Plan and I highlighted the
26 front porch in question. So in '96 when they purchased it was

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2 there. If you turn the page -- the next three pages are the
3 listing and on the third page of the listing is a photo, which
4 shows the -- that roofed over porch. It kind of looks like a
5 trellis type construction, but it has a solid roof. And then
6 the next couple of pages was an appraisal done by the owners in
7 '95 and then again on the third page of that grouping there's
8 another photo from a different angle which shows the front
9 porch. And finally, if you turn the page you'll see photos
10 that are taken last winter in color and show all the sides of
11 that roofed over porch. So in '95 the Johnson's had no idea
12 there was a permit for this structure and at that time it was
13 common, title searches were different, reviews were very
14 different and it never had a permit to their surprise. Now, in
15 2005 and 2006 the Johnson's obtained some building permits to
16 do construction. They put an addition on the north side and
17 the south side and in the architect's plans, they showed this
18 same structure and the survey submitted in 2005 it was shown.
19 And again, it wasn't picked up as a structure without a permit.
20 So anyway, recently they went to close these permits. They
21 were never closed from 2005 and 2006, and the plan examiner at
22 this time, of course they do an excellent thorough job looking
23 over properties, he picked up, hey, this never had a permit.
24 So they asked us to file permits, which we did and we're here
25 today and I'm just gonna quickly walk through the five
26 standards of why we think this is a good application. So would

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it be an undesirable change to the neighborhood. So the structure has been there for 28 years and there is landscaping in front of it that hides most of it. In fact, if you turn to the last page of that package, I took three photos traveling on Huntington Road and the photo to the left shows a glimpse of that -- of that structure. As you move north to the middle of the house it's somewhat hidden and once you're past the middle of the house you can't see it. So it's very well hidden from the street. It's only 11 foot high and it's open on all sides. So it's not a full structure in that regards. And I do have -- the owner was able to talk to the neighbor to the south and obtain a consent form. This is the owner at 120 Huntington Road.

SECRETARY WAGNER: So this is Exhibit 2.

MR. ALBERTO: So we believe there is no undesirable affect to the change of the neighborhood. Can the benefit be achieved by some other method? Well, we they would have to cut 5.3 feet, which means they would have to put new columns, new beams, new footings, they'd have to rip apart the porch, put a new railing and it would be a great expense with very little gain from the street view. So we don't think that's a practical alternative. Is the request substantial? Now this is a Residence-A District and typically houses are 35 feet front yard setback and the code allows a five foot encroachment with a roofed over porch. So typically you would give out 30

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2 feet in the Residence-A in most parts of the town. We're at
3 29.2. So we're less than a foot over the typical. Now why
4 must we be 34.5? When you look at the average within 200 feet,
5 there's one house that's 52.3 feet setback and it throws off
6 the entire average. So if you took that away, we're actually
7 very close to being to code and oddly enough, two houses down
8 to the north there's a house that is 27.9 feet. That's to the
9 wall of the house. We're 27 -- we're 29.2 to the open
10 structure. So we feel it's not at all a substantial request.
11 There is no adverse environmental impacts and was the
12 difficulty self created? Well, the owner certainly didn't
13 build this but they are responsible nowadays as the owner. But
14 as you know this standard shall not preclude the granting of
15 the variance. So we feel it's a good application. Michele,
16 did you want to add anything? You have to come up if you want
17 to. Name and address.

18 MS. JOHNSON: Thank you for your time today.

19 MEMBER HERNANDEZ: Your name and address for the
20 record, please.

21 MS. JOHNSON: Michele Johnson, 118 Huntington Road,
22 Port Washington. We bought the house in 1996. We applied for
23 a mortgage, they did all the inspections and I had no idea that
24 this porch that was there was too long. Also, the topography
25 of the street, Port Washington, as you know is an old area.
26 Our house was built in 1912 and the house next door was built

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2 in the 70s and our house is level to the street but it's on a
3 hill. So many of the homes, as you go down the hill have long
4 staircases or a hill and then have to be setback further. So
5 the house next door to me is actually as far up as my porch is.
6 It's an older home built in the 30s, but the house next door in
7 the 70s is the one that Mr. Alberto said is 52 feet back. So
8 it would be a tremendous burden for us to cut five feet off of
9 this porch. We would have to relandscape, the expense would be
10 tremendous. So I do think it's a good application. I had no
11 idea this was a problem until we were making sure everything
12 from our work that we did apply for permits for was closed and
13 that's how we discovered this was even an issue. Thank you.

14 MEMBER GOODSSELL: Ms. Johnson, if I may ask you. This,
15 to me, looks like a pergola. You know what a pergola is?

16 MS. JOHNSON: Yes.

17 MEMBER GOODSSELL: Did you add the roof part, because
18 the pergola itself looks quite old and looks like it's been
19 there for a long time. The roof that's been put on the pergola
20 looks a little but newer.

21 MS. JOHNSON: It was rotting so we fixed it. But that
22 roof was always there. I think it's in the picture from 1996.

23 MEMBER GOODSSELL: I can see it.

24 MS. JOHNSON: Yeah, no, we actually replaced it. The
25 roof was rotting so we replaced it with non rotting materials
26 and we had to -- it was rotting overtime and we were getting,

1 Appeal Number 21578

2 you know, ants and bugs and things that we want to get rid of
3 so we redid that. When we did some of our other construction
4 we had them fix that as well.

5 MEMBER GOODSSELL: And you really only found out about
6 this when the town came to inspect?

7 MS. JOHNSON: Yes. I had no clue. Yeah, no clue. And
8 I didn't put it there. It was there when we bought the house.
9 I had no idea. It came as a good surprised.

10 MEMBER DONATELLI: I would just note for the record
11 we've lately, as a board, spent a lot of time on Huntington
12 Road in Port Washington. It seems like it's been the luck of
13 the draw lately. Huntington Road is on our radar.

14 MS. JOHNSON: There's been a lot of new building across
15 the street and down around the corner.

16 MEMBER DONATELLI: And I would also note that
17 Huntington Road is curved at that point so that the lot is a
18 bit irregular due to that curve. I know that it's a very, very
19 old area of town. I know that we, as a board, make
20 distinctions over encroachments, whether we have something open
21 verses something enclosed, such as a vestibule, because that
22 becomes a bit more problematic. I would also note that this
23 has been here at least since 1995 and that because of the
24 curvature of the road it's not out of context with the facades
25 of the other houses. It is almost an architectural detail and
26 I think it probably, while we're not an aesthetic board, it

1 Appeal Number 21579

2 adds to the ambiance that is along that road.

3 MEMBER HERNANDEZ: I agree.

4 MEMBER DONATELLI: Any other questions or comments?

5 All right. Mr. Vice Chairman, I make a motion that we
6 grant the application.

7 VICE CHAIRMAN FRANCIS: All right. We have a motion by
8 Mr. Donatelli. Do we have a second?

9 MEMBER GOODSSELL: I'll second.

10 CHAIRMAN MAMMINA: Seconded by Ms. Goodsell. Please
11 poll the board.

12 SECRETARY WAGNER: Member Hernandez?

13 MEMBER HERNANDEZ: Aye.

14 SECRETARY WAGNER: Member Goodsell?

15 MEMBER GOODSSELL: Aye.

16 SECRETARY WAGNER: Member Donatelli?

17 MEMBER DONATELLI: Aye.

18 SECRETARY WAGNER: And acting Chairman Francis?

19 VICE CHAIRMAN FRANCIS: Aye. Application is granted.

20 MS. JOHNSON: Thank you so much.

21 MEMBER DONATELLI: Good luck.

22 MS. JOHNSON: Thank you.

23 SECRETARY WAGNER: Appeal Number 21579, David Schoer;
24 12 Longview Road in Port Washington; Section 5, Block 19, Lot
25 142 in the Residence-A Zoning District. Variance from
26 70-100.2(A)(2), to construct fences forward of a front building

1 Appeal Number 21579

2 line.

3 VICE CHAIRMAN FRANCIS: You've heard Appeal Number
4 21579. Sorry. David Schoer. Is there anyone interested in
5 the application other than the applicant? Seeing one hand.
6 All right. Sir, you'll have an opportunity to speak after the
7 presentation.

8 Good morning. Please give your name and address.

9 MS. GONZALEZ: Good morning. Taylor Gonzalez from the
10 law firm of Forchelli, Deegan, Terrana with an office at 333
11 Earle Oveington Boulevard, Unionsale, New York.

12 I'm here today seeking a variance for the property
13 located at 12 Longview Road, located on the southeast corner of
14 Longview Road and Hampton Road in Port Washington. As a matter
15 of housekeeping, the public notice mailing was performed in
16 accordance with the town code and submitted to the town BZA
17 prior to the hearing. At this time we would like to submit the
18 following documents for further support. A marked up survey
19 prepared by New York Land Tech PC dated August 1, 2023, an
20 aerial photograph of the property, photos of the proposed
21 fencing location, the BZA decision of 2 Bedford, Appeal Number
22 18238 dated June 6, 2007 and consent letters from the neighbors
23 at 20 Longview Road and 12 Hampton Road in Port Washington.

24 SECRETARY WAGNER: This will be Exhibit 1.

25 MS. GONZALEZ: With me this morning is the property
26 owner David Schoer who is available to answer any questions you

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may have.

As will be further discussed, the purpose of this application is to erect a four foot high estate fence within the front yard against the front building line. As general background, the property is situated within the Residence-A Zoning District. The property has an overall lot area of .397 acres and is presently improved with a single family dwelling, attached garage, asphalt driveway and multiple stone and brick walkways and patios. There is currently a chicken wire fence that predates Mr. Schoer's ownership of the property. The property abuts Hampton Road to the west and a busy Longview Road to the north. Due to the two street frontages, the dwelling on the property is setback further towards the southeast corner of the property, an already narrow lot. As previously noted, due to the unique location of the property which fronts on two streets, the application is requesting relief from 70-100.2(A)(2), to allow the installation of a fence past the front building line. As shown in the marked up survey provided, the fenced in area will be located on the east side of the property. As can be seen in the aerial photographs and the site photographs, a majority of the property is screened with privacy hedges. These hedges will screen the proposed fence from view of the neighbors located to the north and east preventing any adverse impact. Unfortunately these hedges, while offering privacy, do not protect Mr. Schoer's

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young children or dog from the dangers of busy road, nor does the flimsy chicken wire fence that currently exists. Due to the location and size of the property, the applicant is requesting a proposed fence past the front building line to allow for room for the applicant's young children and dog to run, play and enjoy the property. This request is not unique, as similar situated properties in the area have requested similar relief, including the property at 2 Bedford Road. 2 Bedford Road located .1 miles from the property and situated on the corner of Bedford Road and Beacon Hill Road was granted the same relief by this board on June 6, 2007.

VICE CHAIRMAN FRANCIS: Was the same relief with regard to the position of the fence?

MS. GONZALEZ: Yeah. So it was past the front building line.

MEMBER GOODSELL: Ms. Gonzalez, could you note for the record that it is a unique shaped piece of property. The houses faces Longview Road.

MS. GONZALEZ: It does.

MEMBER GOODSELL: And what you would normally think of as backyard is relatively small. It looks like it's about 20 feet.

MS. GONZALEZ: It is. But there's additional hedge in there and there's also a patio so it's not really great useful space. There's not a lot of grass back there.

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MEMBER GOODSELL: And the fence that the homeowner would like to install, that's an estate fence.

MS. GONZALEZ: It is.

MEMBER GOODSELL: Which we actually do prefer over the gigantic white six foot PVC fence, which is also a type that works. But how high would the fence be?

MS. GONZALEZ: Four feet.

MEMBER GOODSELL: All the way around four feet?

MS. GONZALEZ: All the way around four feet.

MEMBER GOODSELL: Thank you.

MEMBER DONATELLI: And what is the purpose of the fence?

MS. GONZALEZ: The purpose is to keep his children and dog in the yard. If any balls or anything roll, it's a very busy street their on. He just wants to protect his family.

VICE CHAIRMAN FRANCIS: I'm not so certain I, as one board member, would give you the fence all the way to the front property line. I mean that creates a very big yard. If we gave you a fence from the front of the house going across, you would still have pretty much a 50 foot space.

MS. GONZALEZ: It looks big on the survey but if you actually go back there -- so like they have a bit of a patio and then they have a small swing set for the children so most of the grass area is taken up if you go from the property line. There are photos in there as well.

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2 MR. SCHOER: Can I say something too?

3 VICE CHAIRMAN FRANCIS: Just give your name and
4 address.

5 MR. SCHOER: Yes. David Schoer, I'm the homeowner of
6 12 Longview Road. Thank you for your time. In addition to
7 what she had said, there's a sloping hill as well. So the
8 actual square footage of usable space in that backyard is
9 actually smaller. So there's hedging and there's a slopable
10 hill right there as well so that the swing set is right up
11 against.

12 MEMBER DONATELLI: All right. I'm well familiar with
13 Longview and I'm well familiar with the fact that many driver's
14 use Longview as a shortcut to get to Beacon Hill Road. And I'm
15 certainly sympathetic. I'm not sure that a fence is -- is
16 going to solve the problems, Longview problems and I know the
17 history, because I was involved prior to my being appointed to
18 this board, I was involved in civic situations, civic
19 associations and I know that a petition was made to the town
20 board to lower the speed limit from 30 miles an hour to 25
21 miles and between the gardening trucks that park on the street,
22 the narrowingness of the street, the speed limit, the fact that
23 stop signs seem to be optional in Port Washington, Longview has
24 it's shares of issues, but I'm just not sure the fence is going
25 to resolve those issues. I -- we -- we do get applications
26 from time to time for people who are on corners and I am

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mindful also of the fact that there is not that much area in the, what the law would define as your backyard. So we are sympathetic to your request, but at the same time as the Chairman said, we really don't like granting fences in front yards. Not all the way to the property line.

MS. GONZALEZ: So I'd like to clarify.

MEMBER HERNANDEZ: I'd just like to add something, because we are considering not the backyard at this point, what we are considering is the side yard. So what you're really asking for is the finance on the side yard.

MS. GONZALEZ: Yes.

MEMBER HERNANDEZ: We recognize the backyard is very, very tiny. Actually it's not that tiny. I mean there are many houses with a 20 foot deep backyard, which is what you have as your official backyard. 20 feet by 65, that's 260 square feet. Not exactly small depending on where you live. For this property it's very small. What we're talking about is a 50 by 28 foot section to the left of the house as you look at the house, which the side yard. I, as one board member, have no problem in granting a fence enclosing that area. But I do, like Mr. Donatelli said, have a problem with the fence coming all the way street side in front of the house.

MS. GONZALEZ: So to clarify, it's not going all the way street side. It's going to be behind the hedges completely blocked from the view of the street.

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2 MEMBER GOODSSELL: Wait. If you could clarify the
3 record. Where is the chicken wire fence right now. Does it go
4 to the perimeter?

5 MS. GONZALEZ: No. There's pictures in the packet, but
6 you will see it's behind the hedging as will be the estate
7 fence. So it won't be very visible from the road.

8 MEMBER DONATELLI: So I'm reminded that the house that
9 you sited on Bedford, that that is in proximity to Port
10 Washington Boulevard. So Port Washington Boulevard has
11 actually a distinction of being even busier than Longview Road.
12 So I'm not sure that that is a good example for you. On the
13 other hand, I would point out that we have, under certain
14 circumstances, allowed fencing behind shrubbery that hides the
15 fencing and I know that we did this in -- on Ridge Road in Port
16 Washington in similar circumstances. I don't recall exactly
17 what those circumstances are right now and I think I probably
18 would want time to see exactly what we did. That was -- I
19 recall that was not right up to the property line, but they
20 were corner lots. They were state fences and in fact, I pass
21 them routinely but I know they were pulled back from the
22 property line.

23 MEMBER GOODSSELL: So the intent here is an estate fence
24 that is behind the hedge. So standing in the street you would
25 not see the fence. Is that correct?

26 MS. GONZALEZ: Yes.

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2 MEMBER HERNANDEZ: That's not what's drawn on the plan.

3 MEMBER GOODSSELL: The yellow on the plan that you've
4 given us isn't clearly behind the hedge. It seems to follow
5 the hedge. So perhaps the homeowner could just testify for a
6 second.

7 MR. SCHOER: Sure. Yeah. So what you're saying is
8 correct. Right now there's chicken wire fence, which is about
9 eight or nine feet from the curb in the middle of the hedge.

10 MEMBER GOODSSELL: In the middle of the hedge. I was
11 just going to ask you where it was. So the hedge kind of
12 overgrows it.

13 MR. SCHOER: Yes. Exactly. And the intent is to
14 replace the chicken wire fence with this four foot estate
15 fence. So the idea is to put the estate fence in the middle of
16 the hedge so it's plant, fence, hedge.

17 MEMBER GOODSSELL: Is that possible?

18 MR. SCHOER: Yes.

19 MEMBER GOODSSELL: Without damaging your hedges?

20 MR. SCHOER: Yes. I spoke to the fence company,
21 because there's a gap between. It's like two rows of
22 plantings. So it can go right in between and as -- just to
23 reiterate, it's not on the curb. It's like eight or nine feet
24 setback from the curb.

25 MEMBER GOODSSELL: So I imagine those hedges and those
26 plantings give you quite a bit of privacy on the side yard.

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2 How high is the chicken wire fence right now?

3 MR. SCHOER: The chicken wire fence is maybe two and a
4 half, three feet off the ground.

5 MEMBER GOODSSELL: The dog could easily jump that.

6 MR. SCHOER: That's the concern. The concern is
7 Longview, as you guys have said, is a major cut through street
8 between Roslyn and Port Washington. Having a two and a half
9 year and three week, and a 40 pound pointer mix dog who we want
10 to run around the yard together as we're growing up and this is
11 our forever house, we just want to make it safe. We're not
12 looking to put a six foot vinyl fence in the front. We're just
13 trying to replace the chicken wire with a four foot fence that
14 will keep our dog and our children enclosed so if a ball runs
15 out, they're not going to run out into the street.

16 MEMBER GOODSSELL: I was just going to ask you how old
17 your children are.

18 MR. SCHOER: Yeah. It's a two and a half and a three
19 week old.

20 MEMBER GOODSSELL: You're not putting a four foot fence
21 up for teenagers.

22 MR. SCHOER: Yeah, no.

23 MEMBER GOODSSELL: There's a lot more needed to keep
24 them in the yard.

25 MR. SCHOER: The intent is that if the dog is running
26 around the backyard, we don't want to do a fido fence. The

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2 previous owner had a fido fence. We don't think that that will
3 be healthy and constructive for our dog. And so we want to
4 play ball in the front yard. The house is setback, you can't
5 do that. The backyard that you mentioned before,
6 Mr. Hernandez, it's not that beg in reality, because there's
7 hedging and the way that the patio is sort of built out from
8 the previous homeowner. So it's not really usable space to
9 enjoy in that sense. And so yes, it's a side yard. There's a
10 chicken wire fence. We've spoke to both neighbors, they're
11 both very supportive of it, the ones who it surrounds. Yes, we
12 can try to do it lined up with the front of the house, but then
13 it's really not -- it's not as enjoyable. It's not as big.
14 It's really small. There's a swing set and a patio and there's
15 really just not that much grass space for the dog and for us to
16 kind of run around. So that's our intent is just to replace
17 the chicken wire that's there.

18 MEMBER HERNANDEZ: But you understand our predicament.
19 Your attorney just used in example a previous case which was
20 granted in 2007. Okay. So we need to be very careful when we
21 grant these things, because this is what happens, you know,
22 they do their job. They go back and look up what was granted
23 in the past and they use that as an example to get yours
24 approved. So that's why we need to be very careful how we
25 approve these things.

26 MR. SCHOER: Sure. And that is -- that example is very

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similar to what we're looking to do and it's actually -- our house is closer to Port Boulevard than Bedford.

MEMBER DONATELLI: Okay. So we try to be consistent as a board and we are mindful of your application. We're trying to find a way that you can be consistent with prior decisions and also act on your application. What I would like to do is, with the Vice Chairman's approval, is I would like to reserve this so that we can look at the prior decisions. Like I said, I know that we approved two such similar applications on Ridge Drive. But I recall that they pulled back the fence somewhat from the property line. I don't recall what the distance was from the property line. For example, you mentioned well we're going to be far away from the curb. Well, the curb is not where your property line is. The property line is determined where the survey says it is determined. So I want to see how far we pulled back in other locations. Yes. Okay. Right. Okay. Thank you. But the Vice Chairman has just reminded me that we have somebody else that wants to speak. So before we reserve or do anything, why don't we hear from them.

VICE CHAIRMAN FRANCIS: Step up, sir. Give your name and address sir.

MR. VINCENT: Thank you very much, sir. My name is David Vincent. It's nice to meet you. I'm the neighbor directly across the street, 19 Longview Road. It's actually the house I grew up in so I know Longview very well. It is an

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extraordinarily road. It's gotten busier over the years. We've reached out to the town. They've been unwilling to do anything to help us slow down traffic unfortunately.

One point of comment for the board before I address this issue. I received this letter dated June 24th regarding this hearing today. We received this last week registered mail. We were gone last week so I didn't get this until Sunday night. It's not a lot of notice for something like this. I don't know why I got a letter dated June 24th in July, but it made it very uncomfortable to come in the middle of a workday. So whatever happened there, it's unfortunate. Hopefully we can avoid that in the future.

The question that I had that you've very clearly answered is the fence would be a black fence, four feet I don't think is very high on the inside of the hedge. That was my only concern. There's no other fencing really visible on Longview. Quite frankly, myself, my wife are very much in favor of you doing that. It is a small yard, you know, I understand exactly what you're getting at. So for whatever it's worth, facing them directly, we're very much in favor of them doing that. I do our puppy Holly doesn't bark at you too much when you walk by. But that was really all. I just wanted to comment on the lateness of the letter and the notice that we got on this and just give our otherwise enthusiastic support for what they're trying to do with the fence.

1 Appeal Number 21579

2 VICE CHAIRMAN FRANCIS: Thank you very much.

3 MEMBER HERNANDEZ: Thank you.

4 MEMBER DONATELLI: Thank you very much for coming.

5 VICE CHAIRMAN FRANCIS: All right.

6 MEMBER DONATELLI: Are you going to oppose what this
7 gentleman said?

8 MS. GONZALEZ: No. I think we'll support his support.

9 MEMBER DONATELLI: Was there anything else you wanted
10 to add?

11 MS. GONZALEZ: No. I mean I just wanted to add that we
12 are willing to condition this application on the hedges fully
13 blocking the fence. We would like to add that.

14 VICE CHAIRMAN FRANCIS: Just one other question with
15 regard to the estate fencing. Is this a plastic or PVC fence
16 or is it the regular classic rod iron?

17 MR. SCHOER: No, the metal estate fence. The black
18 metal estate fence.

19 VICE CHAIRMAN FRANCIS: Okay. Good. Good.

20 MEMBER DONATELLI: So, Mr. Chairman, I would ask that
21 we reserve decision on this so that we can look into the prior
22 decision and that we make an application -- that we reserve it
23 to be able to review those prior applications.

24 VICE CHAIRMAN FRANCIS: Yeah. I agree. I think that's
25 a good way to move forward. So we will reserve the application
26 and probably won't decide it today. Maybe we can get it to by

1 Appeal Number 21552

2 our next hearing.

3 MS. GONZALEZ: Thank you.

4 VICE CHAIRMAN FRANCIS: Off the record.

5 (A discussion was held off the record.)

6 SECRETARY WAGNER: Let the record reflect the Chairman
7 has returned.

8 The next appeal, Appeal Number 21552, Edward Perlow; 2
9 Kent Road in New Hyde Park; Section 8, Block 294, Lot 20 in the
10 Residence-B Zoning District. Variance from 70-231, to legalize
11 a professional office in a cellar which is not permitted.

12 CHAIRMAN MAMMINA: You've heard Appeal Number 21552,
13 Edward Perlow. Is there anyone in the room interested in the
14 application other than the applicant? Seeing no one. Please
15 give your name and address.

16 MR. SOLIS: Good morning. John Brian Solis, 16 Dolphin
17 Green, FlJ, Port Washington, New York 11050. I'm here from the
18 architects office Edward Hicks representing the Dr. Perlow.
19 I'm here today seeking a variance to 70-231, in order to
20 continue use of part of the cellar for the existing home
21 occupation. Dr. Perlow bought this home and practiced nearly
22 40 years ago from the previous dentist who used it the same
23 way. There have been no changes in the past 40 years, besides
24 modernizing equipment and existing exam rooms. The dentist
25 office only uses the cellar space for storage of files, office
26 supplies and a small table for lunch breaks. We do not believe

1 Appeal Number 21552

2 the variance is substantial or an undesirable change, nor a
3 detriment to the physical or environmental conditions of the
4 neighborhood. The application is pretty straightforward.
5 Currently the doctor does live in the home with his wife and
6 his grand kids. The space is predominantly used by the
7 residential, but as mentioned, downstairs there are closets and
8 a small corner for a table for files for patients and such.

9 MEMBER DONATELLI: So you mentioned office supplies.
10 Will there be any types of chemicals, any types of dentistry
11 equipment that might cause flame?

12 VICE CHAIRMAN FRANCIS: Gas or anything?

13 MEMBER DONATELLI: I'm kidding. But anything
14 flammable, anything dangerous, anything like that?

15 MR. SOLIS: No. No. It's just journal supplies used
16 for any type of office.

17 MEMBER DONATELLI: Can you tell me, did the Town of
18 North Hempstead issue any violations or --

19 MR. SOLIS: The reason -- initially when we filed the
20 application back in, I believe it was 2019, he had moved out of
21 the home and was going to rent it. So originally the variance
22 was to have a rented property with the home occupation, which
23 we would need a variance for. At the same time, the building
24 department did go there to inspect it for the rental
25 application and that's when they saw that the cellar is being
26 used partially by the home occupation.

1 Appeal Number 21552

2 MEMBER DONATELLI: I see. When it was a rental
3 application.

4 MR. SOLIS: Correct. That's no longer the case.

5 MEMBER GOODSELL: I lived in that neighbor for 42
6 years. I pass this office on my way to Notre Dame church for
7 42 years. I had absolutely no idea that it was anything other
8 than a side entrance dentist office. It's expensive to set up
9 a dentist office and I couldn't image that the office itself in
10 the basement, but I see now it's only adjunct office in the
11 basement.

12 MR. SOLIS: Correct.

13 MEMBER GOODSELL: The patient room is actually on the
14 first floor, correct?

15 MR. SOLIS: Correct. No patients are allowed
16 downstairs.

17 VICE CHAIRMAN FRANCIS: How does this dentist dispose
18 of materials having to do with x-rays and fillings?

19 MR. SOLIS: I apologize, I do not have that
20 information.

21 VICE CHAIRMAN FRANCIS: But fun of that is in the
22 basement?

23 MR. SOLIS: No. No. And he also wouldn't feel
24 comfortable, because the space is partially used. There's a
25 study down there. It is partially used as recreation for his
26 grand kids at this moment. In the past it was for his

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children.

MEMBER GOODSELL: That's exactly right, because there is no way that the town would knock on the door and say good morning, can we see your basement.

MR. SOLIS: Yeah. It also caught him off guard, because there was a previous dentist that used the space that converted it to home occupation and used it the same exact way.

MEMBER GOODSELL: Well, that's one of the exceptions. We've developed these exceptions for a home attorney, a home dentist, accountant, home office exceptions that are permissible and I have to admit I went to look at the denial and I had to look up the difference between a basement and a cellar and I still don't understand the difference. But if in fact, Mr. Chairman, the only thing in the basement or cellar is being used for is for storage, that there is no patient.

MEMBER HERNANDEZ: Storage for files.

MEMBER GOODSELL: Storage for files, which is what I did in my office for 42 years, the basement is a perfect place to store files.

MR. SOLIS: I just want to have it on the record there's also a small table just for the receptionist and such to have their lunch down there.

MEMBER HERNANDEZ: Yeah. We understand. The break area.

CHAIRMAN MAMMINA: You also have to live there in order

1 Appeal Number 21552

2 for it to be permitted. This may have been part of the problem
3 that they had.

4 MR. SOLIS: Correct. Initially when it was first
5 filed, part of the variance was going to be that he doesn't
6 live. But since Covid and everything, he has moved back into
7 the property.

8 VICE CHAIRMAN FRANCIS: If we were and I think Ms.
9 Goodsell is leading toward making a motion, the only thing I
10 would add to that is a condition that the only thing be stored
11 in that cellar is traditional office equipment and documents
12 and nothing else.

13 MR. SOLIS: Okay. Perfectly acceptable.

14 MEMBER GOODSSELL: That there be no access to the
15 public, that there be no patient rooms, that there be nothing
16 other than the owner of the property using that space.

17 MR. SOLIS: Okay. Perfectly acceptable.

18 MEMBER GOODSSELL: And I would agree with that.

19 MEMBER DONATELLI: We did also talk about the break
20 room.

21 MEMBER GOODSSELL: Which is interesting to me, because
22 presumably the doctor can go from his office to his house in
23 the interior.

24 MR. SOLIS: Yeah. We're talking about the
25 receptionist.

26 VICE CHAIRMAN FRANCIS: He doesn't want the

1 Appeal Number 21552

2 receptionist in his house.

3 MEMBER GOODSSELL: Mr. Chairman, I, as one board member,
4 do not have a problem granting the application with the
5 conditions as we've just discussed, as Mr. Francis outlined.
6 That they are conditions that it be for storage only and that
7 it be for storage of office supplies. I presume and please
8 tell me if I'm wrong, the break room is simply a table and
9 chairs?

10 MR. SOLIS: Table, chairs and a microwave.

11 MEMBER GOODSSELL: With the further provisor that there
12 be no patient access and no patients be permitted in the
13 basement.

14 MR. SOLIS: Yes. Perfectly acceptable.

15 MEMBER HERNANDEZ: I think, just for the sake of
16 clarity, it's not -- the rejection was for an office in a
17 cellar. This is not an office. So we're not approving an
18 office in the cellar. We are approving a storage room for
19 files and a table and chairs and microwave so they can have
20 their lunch. It's not an office that we're approving.

21 SECRETARY WAGNER: Well, it's affiliated.

22 MS. ALGIOS: It's an accessory.

23 MEMBER HERNANDEZ: It's not a dental office, which is
24 what he is rejected for.

25 SECRETARY WAGNER: Right. But it expands the area of
26 the dental office space in the residence.

1 Appeal Number 21581

2 MR. SOLIS: It's part of the office despite the fact
3 that it's not.

4 SECRETARY WAGNER: Right. It's not being used as the
5 actual office.

6 MEMBER GOODSSELL: I have made a motion.

7 MEMBER DONATELLI: I will second.

8 CHAIRMAN MAMMINA: Okay. So we have a motion by Member
9 Goodsell and a second by Member Donatelli. Please poll the
10 board.

11 SECRETARY WAGNER: Member Goodsell?

12 MEMBER GOODSSELL: Aye.

13 SECRETARY WAGNER: Member Hernandez?

14 MEMBER HERNANDEZ: Aye.

15 SECRETARY WAGNER: Member Donatelli?

16 MEMBER DONATELLI: Aye.

17 SECRETARY WAGNER: Vice Chairman Francis?

18 VICE CHAIRMAN FRANCIS: Aye.

19 SECRETARY WAGNER: Chairman Mammina?

20 CHAIRMAN MAMMINA: And aye with the conditions as
21 stated.

22 MR. SOLIS: Thank you for your time.

23 CHAIRMAN MAMMINA: Thank you.

24 SECRETARY WAGNER: Appeal Number, Efaz Uddin; 68
25 Stephen Avenue, New Hyde Park; Section 8, Block 323, Lot 4; in
26 the Residence-C Zoning District. Variance from 70-50.A, to

1 Appeal Number 21581

2 construct a second story addition and two-story portico too
3 close to the street.

4 CHAIRMAN MAMMINA: You've heard Appeal Number 21581,
5 Efaz Uddin. Is there anyone in the room who would like to
6 speak regarding the application other than the applicant?

7 Seeing no one. Please give your name and address.

8 MR. MEDINA: Juan Medina, I'm the engineer.

9 CHAIRMAN MAMMINA: Back up a little bit from there.

10 Thank you.

11 MR. MEDINA: Sorry about that.

12 CHAIRMAN MAMMINA: You can pull the microphone up.

13 Yeah.

14 MR. MEDINA: Juan Medina, I'm the engineer representing
15 the owner Efaz Uddin. My address is 1936 Hempstead Turnpike in
16 East Meadow. Property address is 67 Stephen Avenue, New Hyde
17 Park and we're seeking relief from section 70-50.A, which
18 requires a 25 foot front yard setback for the front portico,
19 which has a setback of 15.75 feet and the second story, which
20 has a setback of 20.08 feet. And the reason why we feel that
21 we are justified in our request is because this change does not
22 change the character of the neighborhood. If we look at the
23 average setback in this neighborhood, it's 19.56 feet, which is
24 consistent with the existing building. The second story is
25 going to be over the existing footprint of the building and the
26 only exception to that average front yard is the front portico,

1 Appeal Number 21581

2 which has a setback, again, of 15.75 feet.

3 VICE CHAIRMAN FRANCIS: What is the purpose of a two
4 story portico?

5 MR. MEDINA: It's a one story portico. Sorry. It's a
6 second story addition. So we're adding a story to a one story
7 building.

8 VICE CHAIRMAN FRANCIS: Doesn't the portico go up to
9 the second floor?

10 MEMBER GOODSSELL: I'm looking at the plans and your
11 plans show a two story portico.

12 MR. MEDINA: Oh, yes. Yes. It's just as architecture
13 it looks better, but we're not opposed to reducing the portico
14 to how it is now, which the building department didn't have
15 record for.

16 VICE CHAIRMAN FRANCIS: We would have to insist that
17 you reduce it to the first floor.

18 MR. MEDINA: That's not a problem.

19 CHAIRMAN MAMMINA: And that you submit a drawing, you
20 know, for that and then the approval would then look for that
21 drawing so that we would be approving this on the basis of that
22 being reduced to one story.

23 MR. MEDINA: That's not a problem.

24 SECRETARY WAGNER: There's a possibility they might not
25 even need the variance.

26 CHAIRMAN MAMMINA: That could very well be true.

1 Appeal Number 21581

2 VICE CHAIRMAN FRANCIS: That's true.

3 MEMBER GOODSSELL: And we do not mean -- we're not an
4 aesthetic board, but you must understand that we rarely grant a
5 two story portico and when a two story portico is approved, it
6 is more than meets the setback. It's an architectural feature,
7 but in this particular area and I did drive this area, if you
8 drive this area and you see a two story portico, it did not
9 come in front of us. It was built without permission.

10 MR. MEDINA: Understood.

11 VICE CHAIRMAN FRANCIS: So I think what we're saying is
12 we're going to continue your application for the submission of
13 new plans. The building department will review them and you
14 may not even need to come back to us. I mean you may not even
15 need a variance for that portico.

16 MEMBER GOODSSELL: Mr. Vice Chairman, does anybody have
17 -- I mean I don't have an objection to a second story.

18 CHAIRMAN MAMMINA: That is the subject of a variance as
19 well.

20 MEMBER GOODSSELL: But I do object to the two story
21 portico, which I think is out of character.

22 SECRETARY WAGNER: So when he resubmits the plans --
23 resubmit plans showing the one story portico.

24 MS. ALGIOS: Do you want to discuss the addition?

25 VICE CHAIRMAN FRANCIS: The addition is going straight
26 up?

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2 MR. MEDINA: Straight up over the existing footprint of
3 the building, with the exception of the rear extension.

4 VICE CHAIRMAN FRANCIS: Which cannot be seen from the
5 front?

6 MR. MEDINA: Which cannot be seen from the front and
7 it's outside the scope of this variance.

8 CHAIRMAN MAMMINA: Can you offer testimony, which you
9 certainly approached before, you know, about the character of
10 the block in terms of setbacks and what might be setbacks of
11 other houses on that side of the street or other sides of the
12 street.

13 MR. MEDINA: Sorry. So if we look at page two of the
14 drawing that I provided, you see on the top right hand corner
15 the setbacks of the buildings adjacent to this property within
16 the 200 foot.

17 CHAIRMAN MAMMINA: They have no numbers on them though.

18 MR. MEDINA: There should be numbers there, but if
19 there isn't, you have the table on the top. If I may approach,
20 I can show it.

21 CHAIRMAN MAMMINA: I don't see a table on the top of
22 the page.

23 VICE CHAIRMAN FRANCIS: Which page?

24 MR. MEDINA: Page two of the drawings.

25 MEMBER GOODSSELL: Instead of house numbers we have lot
26 numbers.

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2 MR. MEDINA: Correct.

3 MEMBER GOODSSELL: And we don't have setback numbers.

4 We have a visual.

5 MR. MEDINA: The setbacks are in front of the numbering

6 --

7 CHAIRMAN MAMMINA: So your number that is down at the

8 bottom where normally we would see a street addition is the

9 setback --

10 MR. MEDINA: Correct.

11 CHAIRMAN MAMMINA: -- rather than a conventional here's

12 a line and then --

13 MR. MEDINA: That's consistent with the guidelines for

14 the building department for preparing this table.

15 CHAIRMAN MAMMINA: If you would, on your resubmission,

16 show those setbacks in the conventional manner, we would

17 appreciate that.

18 MR. MEDINA: Not a problem.

19 MEMBER HERNANDEZ: It makes it easier for us to

20 understand.

21 MR. MEDINA: I just follow the guidelines to get the

22 plans approved, but if you look at the diagram that the

23 building department provides, because this is directly from

24 that guideline.

25 VICE CHAIRMAN FRANCIS: That's weird.

26 CHAIRMAN MAMMINA: I've seen weirder things.

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2 MEMBER DONATELLI: It would make sense, however,
3 somebody looking at this might very well think that that's
4 referring to the width of the lot.

5 MR. MEDINA: That's usually how that's represented.

6 MEMBER DONATELLI: We are asking for that --

7 MR. MEDINA: I will show that. That's not a problem.

8 MEMBER GOODSELL: If we could discuss the second story
9 addition for a moment. Looking at the plans, is it the
10 applicant's testimony that the addition of the second story
11 will not violate GFA and will not create any sky plane issues.
12 Is that correct?

13 MR. MEDINA: That is correct.

14 MEMBER GOODSELL: And could you talk just a little bit
15 about the character of this particular street. It is a dead
16 end street or it seems to dead end anyway. I see where it's up
17 against a shopping center at the end, what the other houses on
18 that dozen or so houses, some of them have been approved for a
19 second story. Is that correct?

20 MR. MEDINA: Some of them have. And it's consistent
21 where that second story is over the existing.

22 MEMBER GOODSELL: Existing over the original house.
23 But again, none of them have a two story portico.

24 MR. MEDINA: And I can reduce the portico to the first
25 story. That shouldn't be a problem for the homeowner.

26 CHAIRMAN MAMMINA: So resubmit those then to Ms. Wagner

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2 and then she circulates them to us.

3 MR. MEDINA: Thank you.

4 MEMBER DONATELLI: So we are continuing.

5 MEMBER HERNANDEZ: Just for the record, because nowhere
6 in here did I see the number, but the house is setback 20 feet
7 one inch without the portico. So the portico will be the
8 encroachment so the second story would be at the same 20 feet
9 one inch?

10 MR. MEDINA: Exactly. And just to be clear, once we
11 resubmit the plans, do we have to come back to the board?

12 MEMBER HERNANDEZ: No.

13 UNKNOWN SPEAKER: You'll submit everything to the
14 building department, they'll take a look at them and then you
15 would just e-mail them to my e-mail address and we'll take it
16 from there.

17 MR. MEDINA: Got it. Thank you.

18 MEMBER HERNANDEZ: Unless they pick up something new.
19 Because if the plans have changed, you don't have to come back
20 to us. We would just review it based on the resubmission.

21 MR. MEDINA: Understood. Thank you. Have a good day.

22 SECRETARY WAGNER: Thank you.

23 (A recess was taken.)

24 SECRETARY WAGNER: Appeal Number 21582, Xin Wei Xu; 3
25 Twelfth Street, Carle Place, Section 10, Block 269, Lot 30 in
26 the Residence-B Zoning District. Variances from 70-40.B,

Appeal Number 21581

1
2 70-41.B, 70-42, 70-42.6, 70-102.C(5)(a), 70-100.1(A),
3 70-100.2(A), and 70-100.2(D), to construct a one story addition
4 that is too close to the street, a deck and louvered awning
5 that are too close to the side property line, a second story
6 addition that is too close to the rear property line, paving
7 covering too much of the secondary front yard, an in ground
8 pool that is too close to the side property line, pool
9 equipment that is too close to the rear property line, an in
10 ground pool, awning, barbecue and a pool barrier in the side
11 yard, which is not permitted, fencing that is too tall and
12 being used as a pool barrier fence, and a barbecue that is too
13 close to the side property line.

14 CHAIRMAN MAMMINA: You've heard Appeal Number 21582,
15 Xin Wei Xu. Is there anyone in the room interested in the
16 application other than the applicant? Seeing hands up and just
17 before we get started, for the record, this piece of property
18 is, I don't know within 20 houses of, you know, where -- in
19 Carle Place where I live and I just want to put that on the
20 record. I have no problem being objective on this and bring
21 familiarity to the neighborhood, which is kind of what the
22 zoning board is all about. So please give your name and
23 address.

24 MR. MUNISTERI: Good afternoon, Members of the Board.
25 My name is Mark Anthony Munisteri, architect. My office is
26 located at 1563 Bellmore Avenue in Bellmore. And today I'm

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representing my clients Xin Wei Xu.

So originally I had a beautiful presentation prepared, pictures, et cetera. But in discussing and I just found out this is the opposition, because we did get a letter of opposition from Mr. Heran. So perfect timing at the break I chatted with them. So what they're asking me to do is have a conversation with a few more of the neighbors who were not able to come here today. So in all fairness I'm going to ask if I could postpone this to the soonest possible date so that I can meet with all the neighbors, discuss exactly -- it is quite confusing, because it is a corner property what's going on. It does seem like they're building a Jiffy Lube on their front lawn. So we want to make sure they're very clear of what actually is construction. There are a few things that we're giving back as well that are actually just missed on my office. Instead of being 10 feet, it's 9.2 feet. We moved that to 10 feet and a couple of other things we can eliminate them off the variance altogether.

CHAIRMAN MAMMINA: Okay. I guess the question is --

MR. MUNISTERI: Can I postpone this?

CHAIRMAN MAMMINA: Adjourn.

MR. MUNISTERI: Adjourn. Excuse me.

MEMBER HERNANDEZ: If you work some things out, that's fine.

MR. MUNISTERI: I want it to be favorable for

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2 everybody.

3 VICE CHAIRMAN FRANCIS: That's a good point.

4 MEMBER DONATELLI: We always encourage the applicants
5 to speak to the surrounding neighbors.

6 MR. MUNISTERI: I'm going to give them all my card so
7 we can set one thing up and I can speak to all of them.

8 CHAIRMAN MAMMINA: Sounds good.

9 MR. MUNISTERI: All right.

10 MS. ALGIOS: He's gotta redo the regular.

11 MR. MUNISTERI: So I'm also gonna probably put new --
12 how does this work, because I'm making a couple of changes?

13 UNKNOWN SPEAKER: If you're going to need new
14 variances, then you would have to.

15 MR. MUNISTERI: Less.

16 UNKNOWN SPEAKER: You're going to need less variances?

17 SECRETARY WAGNER: You have to resubmit your plans. If
18 you're --

19 MR. MUNISTERI: Go ahead.

20 SECRETARY WAGNER: You want it to be done right.

21 MR. MUNISTERI: That's correct.

22 SECRETARY WAGNER: You need to upload the plans to the
23 portal, then they would issue a revised decision letter and
24 then we would advertise the hearing based on the revised
25 disapproval letter.

26 MR. MUNISTERI: Would I be able to make it for the

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September date?

SECRETARY WAGNER: That's up --

CHAIRMAN MAMMINA: We can't say.

SECRETARY WAGNER: Yeah. We don't know how long it would take for them to do all that.

UNKNOWN SPEAKER. We can adjourn you to a date certain for September. Keep your fingers crossed and if we can get you on we will.

MR. MUNISTERI: What are the options and I'm asking for the board, this includes you guys as well, that if I came here to make these few changes which I've heard before, to make it instead of having 9.2 to slide that back to 10 foot, because they've been a year and a half into this process. I know that doesn't necessarily matter to you, but -- and they're not living in the house and they would like to get this going.

CHAIRMAN MAMMINA: We can't give any opinion as to --

MR. MUNISTERI: Understood.

CHAIRMAN MAMMINA: -- what we'll feel until we see it. So I think we then adjourn it to a date uncertain, you know, for, if you want to say the next board meeting or September board meeting. I don't know that gives you six weeks.

MR. MUNISTERI: Yeah, at least. I'd appreciate that.

CHAIRMAN MAMMINA: That's okay and if you can't make it, you let us know.

MR. MUNISTERI: Is that good for you guys?

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UNKNOWN SPEAKER: Yes.

CHAIRMAN MAMMINA: And just for the record, the -- the audience agrees with the adjournment as well.

MEMBER HERNANDEZ: September 4th or 18th are the options.

MR. MUNISTERI: That's what I rather do.

VICE CHAIRMAN FRANCIS: Right. Because we have two hearings.

MEMBER HERNANDEZ: We have two hearings that month.

MR. MUNISTERI: I got what? I'm sorry.

MEMBER HERNANDEZ: You have September 9th -- I'm sorry, fourth or 18th to choose.

MR. MUNISTERI: The sooner the better, please.

MEMBER HERNANDEZ: THE fourth.

MR. MUNISTERI: I'll get it this week to you guys. Thank you all. I appreciate your time guys. I'm sorry.

CHAIRMAN MAMMINA: Thank you.

MEMBER DONATELLI: Not a problem.

CHAIRMAN MAMMINA: And thank you to neighbors. It's important. Generally we don't let people speak.

UNKNOWN SPEAKER: No, I have a question. You just mentioned a date.

MEMBER HERNANDEZ: September 4th. September 4th.

(A discussion was held off the record.)

SECRETARY WAGNER: So we had the request for 12 Beverly

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Road in Port Washington, it was continued. The board had asked them to reduce the size of the portico and then before doing that they had retained counsel and the counsel is asking if they can have the opportunity to come back before the board and present additional information.

MS. ALGIOS: We just want to make sure the board is okay with that.

VICE CHAIRMAN FRANCIS: I'm fine with that.

MEMBER HERNANDEZ: Are they presenting different information or representing the information?

MR. ALBERTO: That's why we're addressing it with you. We wrote a letter, we ask that counsel write a letter explaining why she would look to come back, because, you know, really they had their chance to come before the board and present their case and the board wanted a reduction and they're choosing not to do that at this point, but counsel has said there was additional information that was not presented.

MEMBER DONATELLI: But we did continue the application.

MR. ALBERTO: And it is open. So we just want to make sure on the record that the board does not have any issues with that.

MEMBER DONATELLI: I have no objections.

VICE CHAIRMAN FRANCIS: You mean a motion to reopen?

MS. ALGIOS: It's not a redo because it's continued.

MEMBER DONATELLI: I'm fine with it.

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SECRETARY WAGNER: You're all fine with it?

MEMBER DONATELLI: Yes.

MEMBER HERNANDEZ: What's the address.

MEMBER DONATELLI: 12 Beverly. It's continued for new information.

SECRETARY WAGNER: Now we can adopt SEQRA.

MEMBER DONATELLI: I make a motion that we adopt SEQRA.

CHAIRMAN MAMMINA: We have a motion by Member Donatelli. Do we have a second?

MEMBER GOODSSELL: Second.

CHAIRMAN MAMMINA: Seconded.

SECRETARY WAGNER: All in favor.

MEMBER HERNANDEZ: Aye.

MEMBER GOODSSELL: Aye.

MEMBER DONATELLI: Aye.

VICE CHAIRMAN FRANCIS: Aye.

CHAIRMAN MAMMINA: Aye.

(TIME NOTED: 12:19 p.m.)

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C E R T I F I C A T E

I, NICOLE L. BASILE, a Notary Public
within and for the State of New York do hereby
certify that the foregoing proceeding was taken
before me on the 20th day of March, 2024. The said
testimony was taken stenographically by myself and
then transcribed. The within transcript is a true
record of the said testimony.

I am not connected by blood or marriage
with any of the said parties, nor interested directly
or indirectly in the matter in controversy, nor am I
in the employ of any of the counsel.

IN WITNESS WHEREOF I have hereunto set my
hand this 18th day of September, 2024.



NICOLE L. BASILE