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M I N U T E S
OF THE MEETING
OF THE
ZONING BOARD OF APPEALS
INCORPORATED VILLAGE OF MALVERNE

March 12, 2026

7:00 p.m.

PRESENT:

- | | |
|-------------------------|----------|
| BENJAMIN TRUNCALE, JR., | CHAIRMAN |
| BRUCE MAWHIRTER, | MEMBER |
| MICHELLE SALOGUB, | MEMBER |
| MARYANN HANSON, | MEMBER |
| JOHN TULLEY, | MEMBER |

Also Present:

- Kevin Walsh - Village Attorney
- Mary Kate Schnaars - Building Department Clerk
- Louis Santora - Building Superintendant

Otero, 148 Ackley Avenue - March 12, 2026

1 CHAIRMAN TRUNCALE: Everybody, please
2 rise for the Pledge of Allegiance.

3 (Whereupon, the Pledge of Allegiance
4 was recited.)

5 CHAIRMAN TRUNCALE: Good evening,
6 everybody. And welcome to the March 12th
7 meeting of the Zoning Board of the Incorporated
8 Village of Malverne. We have two applications
9 on the agenda this evening.

10 The first application to be considered
11 by this Board is 148 Ackley Avenue, and you are
12 proposing to construct 107 square foot
13 one-story rear addition over crawl space and
14 proposing to install a 14 by 31 foot inground
15 swimming pool with drywell.

16 Is there anybody here that wishes to be
17 heard? Please step up, state your name and
18 address for the record.

19 MR. LAMBERT: Hi, my name is Timothy
20 Lambert, my address is 3012 Fortesque Avenue,
21 in Oceanside, New York.

22 CHAIRMAN TRUNCALE: Welcome.

23 MR. LAMBERT: Good evening.

24 Thank you again for the opportunity to
25 speak tonight.

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1 I'm here to request relief for 107
2 square foot one-story rear kitchen addition and
3 a 14 by 31 foot inground swimming pool.

4 I would like to address each of the
5 variances identified in the denial letter and
6 explain the practical conditions that create
7 the need for this relief.

8 CHAIRMAN TRUNCALE: Okay.

9 MR. LAMBERT: The first variance
10 relates to FAR, which is the existing -- where
11 the existing home already exceeds the
12 40 percent maximum. The proposed addition
13 brings the total to 44.9 percent.

14 The hardship here is preexisting, the
15 house was built with an FAR above today's
16 limit. And the 107 square foot addition is
17 extremely modest, just enough to correct the
18 functional deficiencies in the existing kitchen
19 layout.

20 This small expansion does not change
21 the massing of the home in any meaningful way,
22 it does not affect the light or air to
23 neighbors and remains fully consistent with the
24 scale and character of the surrounding homes.
25 The request is simply to allow reasonable

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1 improvement to an already nonconforming
2 structure.

3 The second variance concerns lot
4 coverage, where the combined existing home, the
5 small addition and the proposed pool bring the
6 total to 36 percent, where the maximum
7 allowable is 25 percent.

8 Again, the hardship here is tied to the
9 existing footprint of the home and the lot
10 size. The pool is a standard residential size,
11 the addition is minimal. The project has been
12 designed to avoid any sense of overcrowding,
13 and the rear yard will remain open, usable and
14 visually consistent with the neighbors.
15 Drainage and grading will comply --

16 CHAIRMAN TRUNCALE: Just hold on a
17 second.

18 MR. LAMBERT: The drainage and the
19 grading will comply with the Village's
20 requirements, and that will ensure no adverse
21 runoff to the adjacent homes.

22 Third variance relates to the pool
23 equipment setback, where the available side
24 yard area limited the placement for this. The
25 equipment is compact and screened by a 6 foot

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1 tall PVC fence, this will minimize the noise
2 and visibility.

3 The hardship here is the narrow
4 existing side yard. There is also two AC --
5 existing AC units right in the side yard here,
6 which these being the factors there was no
7 other better location for this equipment
8 without diminishing the area by the barbecue.
9 The proposed placement is least impactful and
10 maintains safe access and proper clearances.

11 The final variance concerns the two
12 proposed fence gates to the pool enclosure.
13 Both gates will be equipped with self-closing,
14 self-latching hardware and will always remain
15 latched. The reason for maintaining two gates,
16 mostly practical, one gate provides direct
17 access from the side door of the house, and the
18 other provides access for landscape maintenance
19 on the other side.

20 In summary, each variance request stems
21 from preexisting constraints, not from any
22 attempt to overbuild or intensify this
23 property. The addition is modest, the pool is
24 a standard size, and all the components have
25 been designed to minimize impact on the

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1 neighbors. These improvements will enhance the
2 property and create no detriment to the public
3 or the surrounding homes.

4 For these reasons I respectfully
5 request that the Board grant the requested
6 relief.

7 I'm happy to answer any questions that
8 anybody has.

9 CHAIRMAN TRUNCALE: Okay. Well, I can
10 start out by saying that subsequent to your
11 filing of this application there's been a
12 modification to the Village's Zoning Code. So
13 the relief that you are requesting with regard
14 to the proposed lot coverage has changed
15 because the Village is no longer counting pools
16 in their calculation towards lot coverage, so
17 the relief you are now requesting has gone from
18 36 percent to, I believe, correct me if I am
19 wrong, Lou, to 29 percent?

20 MR. SANTORA: 29.35, sir.

21 CHAIRMAN TRUNCALE: Sorry, point
22 35 percent.

23 So that in and of itself brings that
24 into a range of, I believe, where this Board
25 finds a comfort level in past applications that

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1 have been reviewed by this Board.

2 I will open it up to my fellow Board
3 Members at this time for questions, and then
4 we'll open it up to the public, and then we
5 will take it from there, okay?

6 MR. LAMBERT: Okay.

7 MEMBER HANSON: Only one opening in a
8 fence, that's for safety reasons. Is there any
9 way that your gardeners can access it through
10 the other side?

11 MEMBER SALOGUB: I think that rule
12 changed.

13 MEMBER HANSON: Oh, that did too?

14 MEMBER SALOGUB: Yeah.

15 CHAIRMAN TRUNCALE: On the gates.

16 MEMBER HANSON: It changed to two?

17 MR. SANTORA: Yeah, that was something
18 else that we changed too, we allow two gates
19 now.

20 CHAIRMAN TRUNCALE: Yeah, we allow two
21 gates.

22 MEMBER HANSON: Now you are allowed two
23 gates, there's no question there.

24 CHAIRMAN TRUNCALE: So that's no longer
25 a facet of the relief being sought.

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1 MR. LAMBERT: Okay.

2 CHAIRMAN TRUNCALE: Okay, you can go
3 home.

4 Any other questions?

5 MEMBER SALOGUB: So with the pool
6 equipment, that was the other thing with the
7 side setback. Is there anyway you can make
8 that 4 feet instead of one and a half?

9 MR. LAMBERT: Well, the problem here, I
10 can't do it in the side yard because there is
11 two AC units right there. And if I go further
12 up the side yard with the equipment then I have
13 to run gas lines all the way through, and you
14 really don't want to do that, it's too far, and
15 the heating won't heat the pool sufficient.

16 The second reason why I placed it there
17 is because we are doing an outdoor barbecue
18 island that comes off the house right there and
19 we have some bar stools on the side of it, so I
20 wanted to give those people who sit at that bar
21 the most room possible without having the pool
22 equipment right behind them.

23 MEMBER SALOGUB: Maybe you
24 inconvenience them a little bit and find a way
25 to rearrange where the stools are, like turn it

Otero, 148 Ackley Avenue - March 12, 2026

1 or something.

2 MR. LAMBERT: I could. We'd be open to
3 doing that. We can increase. It just hurts
4 the homeowners' experience.

5 MEMBER SALOGUB: Well, what about the
6 experience of the next door neighbor, do they
7 mind?

8 MR. LAMBERT: So what we are doing here
9 is we are putting a 6 foot solid PVC fence
10 along the property for the pool barrier. And
11 so we felt like if we have to do that, why not
12 push the pool equipment a little further back.
13 I know that --

14 MR. WALSH: The fence is required.

15 MR. LAMBERT: The fence is required,
16 yeah. So we're going to use the fence as a
17 barrier for noise and visual.

18 CHAIRMAN TRUNCALE: And the fence is in
19 compliance, they are allowed a 6 foot, so you
20 are not here for any relief with the fence.

21 MR. LAMBERT: Yeah, right.

22 CHAIRMAN TRUNCALE: But one of the
23 things this Board does is to see if there's a
24 way that you can achieve everything you are
25 trying to achieve with less of a variance.

1 And, I guess, appro pro to what Michelle is
2 suggesting, is there a way you can increase it
3 from 1.5 to something else?

4 MR. LAMBERT: I think my client would
5 be open to that. 4 feet would really hurt the
6 usable area next to this barbecue, but we are
7 willing to do whatever you think is appropriate
8 given -- weighing the benefits, you know, to
9 the homeowner versus maybe a detriment to a
10 neighbor, like, just kind of balancing that
11 out.

12 CHAIRMAN TRUNCALE: So what's the
13 number? You tell me. What's the number?

14 MR. LAMBERT: Probably be like another
15 foot, so two and a half foot.

16 CHAIRMAN TRUNCALE: I think we could
17 get behind that, right, Michelle?

18 MEMBER SALOGUB: Yes.

19 CHAIRMAN TRUNCALE: Any other
20 questions?

21 (Whereupon, there was no response.)

22 CHAIRMAN TRUNCALE: Anybody in the
23 public?

24 (Whereupon, there was no response.)

25 CHAIRMAN TRUNCALE: No.

1 Based upon the presentation, is there a
2 motion to approve the requested variances as
3 modified to 29 point, as Lou said, point
4 35 percent on the lot coverage, they are
5 seeking FAR variance, and no longer require a
6 gate variance, and with the modification of
7 instead of 1.5 feet we'd make that, what,
8 2.5 feet?

9 MR. SANTORA: Yes.

10 CHAIRMAN TRUNCALE: With regard to the
11 pool equipment.

12 Is there a motion?

13 MEMBER SALOGUB: I make a motion to
14 approve.

15 CHAIRMAN TRUNCALE: Is there a second?

16 MEMBER HANSON: I'll second.

17 CHAIRMAN TRUNCALE: All those in favor?

18 (Chorus of ayes.)

19 CHAIRMAN TRUNCALE: Good luck.

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1 CHAIRMAN TRUNCALE: Next application,
2 67 McIntosh Court, Malverne, New York,
3 proposing to construct conversion of 263 square
4 feet existing garage to living space; new 43
5 square foot footprint rear two-story addition;
6 new 551 square foot second-story addition over
7 existing first floor and former garage with
8 three fixture bath; and new front entry
9 concrete ramp.

10 Please step up who wishes to be heard?
11 Please state your name and address for the
12 application once you get to the podium.

13 MS. LIMPREVIL: My name is Claude
14 Limprevil, the address is 67 McIntosh Court,
15 Malverne, New York 11565.

16 CHAIRMAN TRUNCALE: Are you okay
17 standing? Because if you are not, you can sit
18 in the front bench. If you project, you are
19 good there if you want to sit.

20 MS. LIMPREVIL: If that's okay with
21 you.

22 CHAIRMAN TRUNCALE: Absolutely.

23 MS. LIMPREVIL: I appreciate it.

24 CHAIRMAN TRUNCALE: Tell us what you
25 are doing.

1 MS. LIMPREVIL: You mean the goal for
2 the work?

3 CHAIRMAN TRUNCALE: Yes. Tell us once
4 upon a time, tell us a story.

5 MS. LIMPREVIL: Okay. The main purpose
6 of doing this work is because I move here in
7 2022, and in '23 I was on my way to work I had
8 a accident, a TBI, I have traumatic brain
9 injury. So, therefore, we're trying to make it
10 to keep the house accessible so we don't have
11 to go ahead and move elsewhere.

12 And also I have kids, one is in
13 Washington, D.C., with extended family, she
14 would come and be with us, that's the purpose.

15 CHAIRMAN TRUNCALE: So the purpose is
16 to create living space for somebody to assist
17 you, is that what you are saying?

18 MS. LIMPREVIL: Yes, my daughter is in
19 D.C., my daughter is in D.C., she would be
20 moving.

21 CHAIRMAN TRUNCALE: Moving here?

22 MS. LIMPREVIL: Yes, extended, yes.

23 MEMBER HANSON: With her family?

24 CHAIRMAN TRUNCALE: With her family?

25 MS. LIMPREVIL: Yes.

1 CHAIRMAN TRUNCALE: Okay. Let's just
2 take a look.

3 So, Lou, if you could just, first of
4 all, all the relief as requested and set forth
5 here hasn't changed by virtue of any of the
6 Zoning Code changes, correct?

7 MR. SANTORA: No.

8 CHAIRMAN TRUNCALE: And, Lou, can you
9 just explain to the public and the Board the
10 existing issues or the existing front yard
11 setback and lot coverage, how they are already
12 nonconforming and how the extension or
13 enlargement changes that?

14 MR. SANTORA: Yes. The lot is an
15 atypical shape, irregular shape, and the front
16 yard on McIntosh Court is not parallel with the
17 house, and the closest -- the left corner,
18 front corner of the house is 17.3 feet, the
19 right corner of the house is 23.3, they are not
20 proposing to go any further than the 23.3, and
21 that's only at a single point on the left side
22 of the addition.

23 Regarding the rear yard setback,
24 because the way our Zoning Code reads, they
25 call that the rear yard, even though when you

1 are looking at the house it's the right side of
2 the house, they call it a rear yard, so that's
3 supposed to be 25 feet, they are asking to push
4 the house out that way, which is the only real
5 way they can do it, unless they wanted to go to
6 the left side, it's 11.5 feet, and the actual
7 rear yard is called the side yard, according to
8 the definition of the code, and that meets code
9 except for one area where it's 4.8 which
10 matches the existing.

11 MEMBER TULLEY: All matching existing,
12 even though it's over code?

13 MR. SANTORA: Yes.

14 MEMBER TULLEY: Okay.

15 CHAIRMAN TRUNCALE: So it's all
16 matching the existing you said, except for the
17 one side?

18 MEMBER TULLEY: No. The one side is
19 bringing it even with it. It's staying with
20 the same.

21 MR. SANTORA: Yeah, there is
22 no exacerbation of any of the setback lines,
23 it's just going up from what's there.

24 CHAIRMAN TRUNCALE: So they are staying
25 in the footprint?

1 MR. SANTORA: Yes.

2 CHAIRMAN TRUNCALE: So it's not being
3 exacerbated.

4 MR. SANTORA: Yes.

5 CHAIRMAN TRUNCALE: Anybody else on the
6 Board or anybody on the Board, for that matter,
7 have a question?

8 MEMBER SALOGUB: No.

9 CHAIRMAN TRUNCALE: Anybody in the
10 public? She told me if you say something you
11 are going to be in trouble.

12 MS. LIMPREVIL: Never.

13 CHAIRMAN TRUNCALE: Anybody else?

14 (Whereupon, there was no response.)

15 CHAIRMAN TRUNCALE: Is there a motion
16 to grant the variances as requested?

17 MEMBER TULLEY: I'll make the motion to
18 grant the variances requested.

19 MEMBER MAWHIRTER: Second.

20 CHAIRMAN TRUNCALE: All those in favor?

21 (Chorus of ayes.)

22 MS. LIMPREVIL: Thank you.

23 CHAIRMAN TRUNCALE: Good luck to you.
24 Wish you the best of health.

25 MR. SANTORA: See you next Thursday at

1 the Architectural Review Board.

2 CHAIRMAN TRUNCALE: Listen, be careful
3 what you wish for, your daughter is moving in,
4 it's going to be like old times. Good luck to
5 you, okay.

6 MS. LIMPREVIL: Thank you very much.
7 Thank you, everyone.

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Village of Malverne - March 12, 2026

1 MR. WALSH: Mr. Chairman, you have some
2 housekeeping to do.

3 CHAIRMAN TRUNCALE: Yes, we do.

4 So we've received a request from a
5 prior applicant to extend a variance approval
6 that we previously granted which is expiring, I
7 believe, May 9, 2026, correct, Lou?

8 MR. SANTORA: Yes, correct.

9 CHAIRMAN TRUNCALE: And they are
10 requesting a one-year extension on previous
11 relief that was granted by this Board.

12 Is there a motion to grant the
13 extension?

14 MEMBER HANSON: I'll make a motion to
15 grant the extension.

16 CHAIRMAN TRUNCALE: Is there a second?

17 MEMBER TULLEY: I'll second.

18 CHAIRMAN TRUNCALE: All those in favor?

19 (Chorus of ayes.)

20 CHAIRMAN TRUNCALE: Is there a motion
21 to close?

22 MEMBER SALOGUB: I make a motion to
23 close.

24 CHAIRMAN TRUNCALE: Second?

25 MEMBER MAWHIRTER: Second.

1 CHAIRMAN TRUNCALE: All those in favor?

2 (Chorus of ayes.)

3 (Whereupon, the Zoning Board of Appeals
4 hearing was concluded and stood adjourned.)

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C E R T I F I C A T I O N

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I, Mary Kate Waldron, Court Reporter, within and for the State of New York, do hereby certify that I have reported the proceedings, that it is a true and accurate transcription of my stenographic notes.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of March, 2026.



MARY KATE WALDRON