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

February 12, 2026

7:00 p.m.

PRESENT:

- |                         |          |
|-------------------------|----------|
| BENJAMIN TRUNCALE, JR., | CHAIRMAN |
| BRUCE MAWHIRTER,        | MEMBER   |
| MICHELLE SALOGUB,       | MEMBER   |
| PATRICIA MCDONALD,      | MEMBER   |

Also Present:

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

1 CHAIRMAN TRUNCALE: Would everybody  
2 please rise for the Pledge of Allegiance.

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

5 CHAIRMAN TRUNCALE: Mary Kate, we are  
6 going to take them in the order that we have?

7 MS. SCHNAARS: I think so, yeah.

8 MR. WALSH: The one that you are not  
9 going to hear.

10 CHAIRMAN TRUNCALE: We already spoke to  
11 them.

12 I should just announce that in case  
13 there was somebody here from the public, 77  
14 Clinton Street, there was an application that's  
15 no longer necessary based upon the change in  
16 legislation, so that application will not be  
17 heard tonight. If there is anybody that was  
18 here for that particular application, it's not  
19 on the Board's agenda any longer. We have  
20 six cases remaining that will be heard this  
21 evening.

22 The first application to be heard this  
23 evening is that of Adam and Marissa Perjatel, 7  
24 Lexington Avenue, Residential "B" District,  
25 proposing to construct 148 square foot rear

1 screened-in porch.

2 If you are here, please step up and  
3 present your application to the Board.

4 MR. PERJATEL: Hello.

5 CHAIRMAN TRUNCALE Good evening.

6 MS. SCHNAARS: State your name and  
7 address for the record.

8 MR. PERJATEL: My name is Adam  
9 Perjatel, 7 Lexington Avenue, Malverne.

10 Yeah, so we are asking to be permitted  
11 for 148 square foot screen room, one story,  
12 unheated, just to be placed on our existing  
13 patio in the backyard.

14 CHAIRMAN TRUNCALE: Is there, at the  
15 risk of being very brief here, this is an  
16 application that we've seen many times and the  
17 relief being sought is very similar to relief  
18 we've granted in the past.

19 But I will turn it over to my fellow  
20 Board Members if there are any questions?

21 MEMBER SALOGUB: No.

22 CHAIRMAN TRUNCALE: Is there anybody in  
23 the public that wishes to be heard on this  
24 particular application, either in favor or  
25 against?

1 (Whereupon, there was no response.)

2 CHAIRMAN TRUNCALE: That being said, I  
3 would now ask if there is a motion from anybody  
4 on the Board to grant the application as  
5 requested?

6 MEMBER MAWHIRTER: I'll make a motion  
7 to grant the application as proposed.

8 CHAIRMAN TRUNCALE: Is there a second?

9 MEMBER SALOGUB: Second.

10 CHAIRMAN TRUNCALE: All those in favor?

11 (Chorus of ayes.)

12 CHAIRMAN TRUNCALE: Congratulations!

13 MR. PERJATEL: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2                   application to be heard this evening is that of  
3                   Elizabeth Summerhayes, 8 Aberdeen Street,  
4                   Residential "C" District, proposing to  
5                   construct a 68 square foot rear screened porch.

6                   MS. SUMMERHAYES: We'll be even  
7                   briefer.

8                   CHAIRMAN TRUNCALE: Well, we have a lot  
9                   of questions for yours actually.

10                  MS. SUMMERHAYES: Elizabeth  
11                  Summerhayes, 8 Aberdeen Street, Malverne.

12                  CHAIRMAN TRUNCALE: Just tell the Board  
13                  and the public what it is you are looking to  
14                  do.

15                  MR. BANDINI: Craig Bandini, engineer  
16                  representing Mrs. Summerhayes, I live at 2736  
17                  Harrison Avenue in Oceanside, New York.

18                  MS. SUMMERHAYES: I am looking to  
19                  construct a screened-in porch also, no heating,  
20                  just electricity, 68 square feet, and rear yard  
21                  on the patio.

22                  CHAIRMAN TRUNCALE: Okay. Again, this  
23                  is -- while it's somewhat higher than what was  
24                  being sought in the other application, here  
25                  they are looking for 28.57 percent, where the

1 maximum allowable is 25 percent. Again, it's  
2 still, I believe, within the parameters of  
3 relief that this Board has given, thus making  
4 it compatible with the surrounding  
5 neighborhood.

6 Is there anybody in the public that  
7 wishes to be heard?

8 (Whereupon, there was no response.)

9 CHAIRMAN TRUNCALE: Is there anybody on  
10 the Board that has any questions at this time?

11 MEMBER MCDONALD: No.

12 MEMBER SALOGUB: No.

13 CHAIRMAN TRUNCALE: At this point I  
14 would ask for a motion to grant the relief as  
15 requested.

16 MEMBER MCDONALD: I'll make a motion.

17 MEMBER SALOGUB: Second.

18 CHAIRMAN TRUNCALE: All those in favor?

19 (Chorus of ayes.)

20 CHAIRMAN TRUNCALE: Congratulations!

21 MS. SUMMERHAYES: Thank you.

22 MR. BANDINI: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2 application to be heard this evening is that of  
3 679 Cornwell Avenue, Paul and Lisa Sansone.

4                   Before we get started I would just like  
5 to make a statement on the record. Paul and  
6 Lisa Sansone are friends of mine, I've known  
7 them over 25 years, I do not think it will  
8 affect my ability to be fair and impartial.  
9 And unless somebody in the public or on the  
10 Board has an issue with me remaining on the  
11 Board to hear the application, I would proceed  
12 as a member of the Board for this.

13                   Is there anybody?

14                   MR. WALSH: Did you ask the applicant?

15                   CHAIRMAN TRUNCALE: Do you have a  
16 problem with me sitting?

17                   MR. SANSONE: Absolutely not.

18                   CHAIRMAN TRUNCALE: With that, please  
19 state your name and address for the record.

20                   MR. SANSONE: Paul Sansone, 679  
21 Cornwell Avenue, Malverne.

22                   First of all, I'd like to thank  
23 everybody here because we had a little hardship  
24 13 months ago, our house burned down, and  
25 anybody that's been helping us with the

1 building permits, the building department, town  
2 hall, especially Mary Kate, thank you all very  
3 much, it was a very trying period and you made  
4 it smooth and painless for us, so I appreciate  
5 it. Thank you very much.

6 We are here tonight because I wanted to  
7 put my air conditioning units on the Cornwell  
8 Avenue side of my house, which is the main road  
9 on Cornwell.

10 CHAIRMAN TRUNCALE: And you're a corner  
11 lot, correct?

12 MR. SANSONE: Corner lot, yes. So my  
13 side yard is Cornwell Avenue.

14 It's three units which takes up a lot  
15 of space, didn't want it in my backyard, and I  
16 did not want the three units facing my  
17 neighbor. I have a easement between my house  
18 and my neighbor's house, and I didn't want to  
19 have three units up against his fence where he  
20 hangs out in his backyard in the summertime, so  
21 I wanted to put them on Cornwell.

22 So that's what I'm here for tonight.

23 MEMBER MCDONALD: That makes sense.

24 CHAIRMAN TRUNCALE: Anybody on the  
25 Board have any questions?

1                   MR. WALSH: Do you plan any screening?

2                   MR. SANSONE: Absolutely.

3                   MEMBER MCDONALD: That's exactly what I  
4 was going to ask.

5                   MR. SANSONE: I'm either going to put a  
6 PVC fence or put a natural border with shrubs.

7                   CHAIRMAN TRUNCALE: When you do that,  
8 in the event that the Board does grant your  
9 application, we would ask that you coordinate  
10 your screening with the building department to  
11 make sure that it's amenable.

12                   MR. SANSONE: Sure. If they have  
13 something they'd like us to do, I'd be more  
14 than happy to do that.

15                   CHAIRMAN TRUNCALE: With that, is there  
16 anybody else on the Board with any other  
17 questions?

18                   MEMBER SALOGUB: No.

19                   CHAIRMAN TRUNCALE: Is there anybody in  
20 the public that wishes to be heard?

21                   (Whereupon, there was no response.)

22                   CHAIRMAN TRUNCALE: Again, this is not  
23 a unique situation. We have a corner lot, and  
24 with that there is the legal fiction of having  
25 two front yards, and that's why you're here for

1 relief this evening.

2 That being said, the placement as  
3 proposed diminishes the impact on your  
4 neighbors and, therefore, makes a lot of sense  
5 in comparison to putting it where you would  
6 rightfully be able to put it without  
7 necessitating relief from this Board.

8 Again, there's nobody in the public  
9 that wishes to be heard.

10 I know I speak for the entire Board and  
11 the Village that we are very happy that you are  
12 on the other side of this and that nobody in  
13 the family was injured --

14 MR. SANSONE: Yeah.

15 CHAIRMAN TRUNCALE: -- as a result of  
16 the fire.

17 I would ask for a motion at this point  
18 to approve.

19 MEMBER SALOGUB: I'll make a motion to  
20 approve it as requested.

21 CHAIRMAN TRUNCALE: Is there a second?

22 MEMBER MAWHIRTER: Second.

23 CHAIRMAN TRUNCALE: All those in favor?

24 (Chorus of ayes.)

25 MR. SANSONE: Thank you very much.

1                   MEMBER MCDONALD: Good luck with  
2 everything.

3                   MR. SANSONE: When do I --

4                   CHAIRMAN TRUNCALE: Oh, I'm sorry. It  
5 is subject to the condition that you put  
6 screening to be approved by the building  
7 department.

8                   MR. SANSONE: Should I put the  
9 screening first or should I get in touch with  
10 them and you guys?

11                  MR. SANTORA: Do your AC system.

12                  MR. SANSONE: And then do the bushes?

13                  MR. SANTORA: I'll tell you right now,  
14 probably prefer evergreen bushes around it, no  
15 fencing.

16                  MR. SANSONE: Okay. Thank you so much.  
17 Have a good night.

18                  CHAIRMAN TRUNCALE: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2 application is that of John Perrotta, 204  
3 Hempstead Avenue, Residential "A" District,  
4 concrete/driveway permit, proposing to  
5 construct expansion of a paved driveway to  
6 756 square feet in the front yard and expand  
7 curb cut and apron to 30 feet on Wright Avenue.

8                   Please state your name and address for  
9 the record.

10                  MR. PERROTTA: Good evening.

11                  John Perrotta, 204 Hempstead Avenue.

12                  CHAIRMAN TRUNCALE: Please explain your  
13 application.

14                  MR. PERROTTA: We are requesting to  
15 expand our driveway to 756 square feet,  
16 essentially 30 long by 20 deep, and then also  
17 expand the curb cut and apron to 30 feet.

18                  We moved in in November, we purchased  
19 that home, which is the corner property on  
20 Wright and Hempstead, because eventually we are  
21 going to be taking my in-laws in, my wife's  
22 parents, the house is situated for them to come  
23 in.

24                  With that we have enough room for two  
25 cars, we also have three children, so when my

1 in-laws move in we'll have a total of five  
2 cars. That corner property is also close to  
3 the railroad, so limited parking even during  
4 the day. So we are looking to get some  
5 additional space to park the cars for my  
6 children and my in-laws.

7 The driveway is on the long side of the  
8 property, it's not on Hempstead, so we think  
9 it's proportional if the variance is granted.

10 So that's what we are looking to do.

11 MEMBER MCDONALD: So you just moved in  
12 in November?

13 MR. PERROTTA: Yes.

14 CHAIRMAN TRUNCALE: I'll turn it over  
15 to the Board for questions.

16 MEMBER SALOGUB: Have you talked to  
17 your neighbor next door about this? And do you  
18 understand their concerns?

19 MR. PERROTTA: We've sent them the  
20 mailing, we didn't speak specifically at  
21 length. I did mention we were submitting a  
22 variance and looking to enlarge the driveway.

23 I know the neighbor on the -- behind  
24 us, you know, there is also a tree adjacent to  
25 that driveway.

1 MEMBER SALOGUB: Pine tree.

2 MR. PERROTTA: A Pine tree that they  
3 are not very fond of. Separately we are  
4 requesting to have that removed and will have  
5 to be removed to enlarge the driveway.

6 MEMBER SALOGUB: That tree that was on  
7 the curb, was that cut down in anticipation of  
8 making the curb cut?

9 MR. PERROTTA: No. That was cut  
10 because it was really tearing up the street and  
11 the whole curb was disturbed and also the  
12 sidewalk.

13 MEMBER SALOGUB: Did you consider  
14 expanding the driveway without expanding the  
15 curb cut?

16 MR. PERROTTA: We could. You know, if  
17 the curb cut is problematic, we can always get  
18 the cars in without the curb cut, if that was  
19 acceptable. It's more we are looking for space  
20 to park the additional cars.

21 MEMBER SALOGUB: Because you can just  
22 sort of maneuver in.

23 MR. PERROTTA: Yes, we could.

24 MEMBER MCDONALD: And what about the  
25 garage, is the garage used for cars?

1                   MR. PERROTTA: It is. So we're  
2 probably going -- not probably, we are going to  
3 have five vehicles. We actually have one  
4 vehicle in the garage already, it's just not a  
5 large garage, so we think we can fit two and  
6 then three across on the front, so that's the  
7 plan.

8                   MR. WALSH: Just a clarification, we  
9 don't have a real drawing, an actual drawing of  
10 exactly what you are proposing to do, so we  
11 kind of have a vague, I think, coloring over  
12 the existing driveway.

13                  MR. PERROTTA: Yes.

14                  MR. WALSH: So I am looking at the  
15 photograph, because I find that exists, and I  
16 am looking straight at your garage and then I  
17 see two windows. So is the extension of the  
18 driveway that you propose all towards that  
19 inside, or is a portion of it towards the tree  
20 to the left?

21                  MR. PERROTTA: Yeah, so we've done a  
22 rough sketch over the survey. And the proposal  
23 to have 6 feet -- again looking at the garage,  
24 6 feet to the left of the existing driveway and  
25 7 feet to the right of the existing driveway

1 which would put us just short of that first  
2 window.

3 MR. WALSH: You mean you cover one  
4 window but not -- just short of the second one?

5 MR. PERROTTA: Yeah. I don't know if  
6 this is helpful.

7 MR. WALSH: Submit it up to the  
8 Chairman and he will pass it.

9 MR. SANTORA: Can I add? I just want  
10 to give some information for the Board.

11 The driveway will be 2 feet off the  
12 side property line and then start the 30 feet  
13 in from that point.

14 MR. WALSH: Yeah. I guess, and, again,  
15 the aesthetics looking from this driveway, when  
16 you see cars that face the driveway they  
17 usually park to go into the driveway, whether  
18 they do or not. We are going to have now a  
19 look that's inconsistent with the existing  
20 driveway of all -- that additional aisle is  
21 creating more than one additional aisle, is  
22 that really what we are creating here, one like  
23 the width of one more set of cars?

24 MR. PERROTTA: So total is about  
25 another 10 feet beyond what's there, just split

1 between the right and left side. So when we  
2 looked at it, we acknowledged that we didn't  
3 want to take too much space in front of -- the  
4 side of the house where the windows were,  
5 that's why we want to go to the right and the  
6 left.

7 MR. SANTORA: I could add for the Board  
8 also, that a parking space is -- a generous  
9 parking space is 10 by 20, he is going to have  
10 three, 10 by 20 parking spaces with each other  
11 side by side.

12 MR. WALSH: On the photograph that tree  
13 is going to remain, or is it just right up  
14 against the tree?

15 MR. PERROTTA: Our plan is to remove  
16 that tree.

17 MR. WALSH: Because it doesn't look  
18 like there's enough room.

19 MR. PERROTTA: That tree is pulling up  
20 my walk going to the back. Also the neighbor  
21 also intimated to us that it's a little bit of  
22 a hassle because it's a Pine tree, damages some  
23 of their cars in addition to pulling up.

24 CHAIRMAN TRUNCALE: Which neighbor,  
25 what's the name?

1 MR. PERROTTA: Eileen, right? Eileen.

2 I am not sure of the last name.

3 MEMBER MCDONALD: Eileen O'Hara.

4 CHAIRMAN TRUNCALE: O'Hara.

5 MR. PERROTTA: O'Hara, yes.

6 CHAIRMAN TRUNCALE: Have you been made  
7 aware of the fact that your neighbor has put in  
8 a letter with regard to this application?

9 MR. PERROTTA: No.

10 CHAIRMAN TRUNCALE: So we have a copy  
11 of that for you.

12 MR. PERROTTA: Okay.

13 CHAIRMAN TRUNCALE: It is a part of the  
14 application and the record, it's dated  
15 February 4, 2026. You've now been provided a  
16 copy of that letter.

17 MR. WALSH: Is that the immediate  
18 neighbor?

19 CHAIRMAN TRUNCALE: Yes.

20 I will defer to counsel. Counsel, do  
21 you think we need to read the letter in the  
22 entirety into the record?

23 MR. WALSH: I think the applicant's  
24 read the letter, the Board Members have read  
25 the letter. I don't know, unless someone from

1 the public who has a further interest in it. I  
2 would ask if the applicant has any specific --  
3 there is some people that oppose things that  
4 you don't really have an answer for, but we  
5 offer you an opportunity to respond to that if  
6 you could.

7 MR. PERROTTA: So if I could finish  
8 reading?

9 CHAIRMAN TRUNCALE: Yeah, please do.

10 MR. WALSH: Take your time.

11 (Whereupon, there was a pause in the  
12 proceedings.)

13 MR. PERROTTA: Okay. So a couple of  
14 things that are noted there would be the large  
15 Pine, which I said would be removed, that is  
16 the intention. We'll submit an application  
17 separately for that.

18 The tree that was removed on Wright  
19 Avenue was removed because it was essentially  
20 tearing up the street and the curb was  
21 significantly damaged, as well as the sidewalk.

22 CHAIRMAN TRUNCALE: Was that done with  
23 a permit?

24 MR. PERROTTA: I did request it through  
25 the Town, and the Town actually took the tree

1 down.

2 MS. SCHNAARS: The Village is  
3 responsible, generally speaking. And the  
4 Village would inspect any trees to be removed  
5 whether they are on the property.

6 CHAIRMAN TRUNCALE: I didn't know if it  
7 was the chicken or the egg whether we did it  
8 without the Town knowing.

9 MS. SCHNAARS: There was a permit filed  
10 and the Village did it.

11 MR. PERROTTA: There's a note about the  
12 two-car garage, which is correct, and, again,  
13 we are going to try to fit the two cars in  
14 there, there is currently one there, it's a  
15 little tight.

16 Again, I'm in a little bit of a unique  
17 situation in that we essentially moved here  
18 because of my in-laws. We looked trying to  
19 find a spot to take my in-laws in, the house  
20 fit perfectly honestly. And we do have three  
21 children, two in college, one about to be in  
22 college in a year or two, and we just have  
23 several cars. It's difficult parking  
24 obviously, no parking overnight. So that's why  
25 we are requesting it.

1                   If the curb cut is a problem,  
2                   obviously, you know, we can leave it at 20 as  
3                   long as we get that extra pad is really what  
4                   the main request is.

5                   CHAIRMAN TRUNCALE: So I think the curb  
6                   cut is an issue. I think if the Board were  
7                   inclined to favorably consider the application  
8                   it would be with the caveat that you leave the  
9                   curb cut as-is.

10                  MR. PERROTTA: Understood.

11                  CHAIRMAN TRUNCALE: And I think you are  
12                  saying that you are willing to accept that as a  
13                  condition?

14                  MR. PERROTTA: Yes.

15                  MEMBER MAWHIRTER: I have one question.

16                  CHAIRMAN TRUNCALE: Yeah, please.

17                  MEMBER MAWHIRTER: I notice there is  
18                  some shrubs in that window looking at the  
19                  garage to the right, some shrubs in front of  
20                  it.

21                  MR. PERROTTA: Yes.

22                  MEMBER MAWHIRTER: Do you plan on  
23                  keeping those shrubs there? And the reason I  
24                  am asking the question is from a little bit of  
25                  a safety concern that there is a window there,

1 and if God forbid there is a car fire you don't  
2 want to be right up against the building. I  
3 know there is no code specific requirement for  
4 that.

5 MR. PERROTTA: So we'll have to remove  
6 whatever we have to if the variance is granted,  
7 otherwise those bushes will stay on that side.

8 And just to note Eileen's concern about  
9 our yard. We did clear the yard, there was  
10 some overgrown Pine trees. We are anticipating  
11 putting that back. It wasn't configured  
12 correctly, it was taking a lot of our space.  
13 We acknowledged that it becomes a little bit of  
14 a privacy issue, but we plan on replacing that  
15 in the spring to eliminate that condition.

16 MEMBER MCDONALD: Can I suggest -- I  
17 don't know what the Board is going to --  
18 Eileen's -- they are a nice couple, nice  
19 family, is to maybe go over and explain to her  
20 that your in-laws will be moving in and that's  
21 -- because it doesn't indicate, you know, that  
22 she's aware of the reasons of why you want the  
23 driveway to be wider.

24 I understand what you are saying, and I  
25 think if, you know, it would be nice for you to

1 meet her. They are a very nice family, and she  
2 has children in college herself. And she grew  
3 up here in the Village, so I think that would  
4 be something that might be favorable to you and  
5 to Eileen.

6 MR. PERROTTA: Okay, sure.

7 CHAIRMAN TRUNCALE: Some brownies  
8 maybe.

9 Anybody else on the Board have any  
10 questions?

11 MEMBER SALOGUB: No.

12 MR. WALSH: Can I just get, because on  
13 the sheet I would like to know the total width  
14 now. Lou, you might know, total width of what  
15 the new proposed garage would not exceed,  
16 what's the width, do you know?

17 MR. SANTORA: Proposed driveway you  
18 mean?

19 MR. WALSH: Yes.

20 MR. SANTORA: 30 feet wide.

21 MR. WALSH: Thank you.

22 MR. SANTORA: That's with the  
23 calculations, 30 times 25.2 is where that  
24 number comes from that he's asking for.

25 CHAIRMAN TRUNCALE: Is there anybody in

1 the public wishing to be heard on the  
2 application?

3 (Whereupon, there was no response.)

4 CHAIRMAN TRUNCALE: That being said, I  
5 think if the curb cut were to remain I think I  
6 could live with the expansion of the driveway,  
7 especially based on the need and the hardship  
8 being expressed by the applicant.

9 Anybody else?

10 MEMBER SALOGUB: No.

11 CHAIRMAN TRUNCALE: So with that I will  
12 ask for a motion to approve it on the condition  
13 that the curb cut remain as-is.

14 MEMBER MCDONALD: I'll make a motion.

15 MEMBER SALOGUB: I'll second.

16 CHAIRMAN TRUNCALE: All those in favor?

17 (Chorus of ayes.)

18 MR. PERROTTA: Thank you.

19 MEMBER MCDONALD: Good luck with  
20 everything.

21 MR. PERROTTA: I appreciate the advice.  
22 Thank you.

23 What's the next step just so I am  
24 clear?

25 MR. WALSH: Talk to your neighbor. I

1 was only kidding around.

2 MR. SANTORA: Who is your contractor?

3 MR. PERROTTA: Vinny.

4 MR. SANTORA: Okay, Vinny. We will  
5 issue the permit, and you'll get copied on that  
6 or you'll know when it's issued, and we'll give  
7 him a copy too. As soon as the weather breaks  
8 you can go to town.

9 MR. PERROTTA: Thank you.

10 MR. WALSH: Good night, sir.

11 CHAIRMAN TRUNCALE: Good night. Good  
12 luck.

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1                   CHAIRMAN TRUNCALE: Next application to  
2 be heard this evening is that of Ethan  
3 Lingenhol, 17 Dallinger Place, Residential "B"  
4 District, proposing to construct exterior  
5 basement entrance with bulkhead stair and  
6 landing.

7                   Hello, sir. How are you?

8                   MR. LINGENHOL: Good evening to the  
9 Board.

10                  My name is Ethan Lingenhol, from 17  
11 Dallinger Place in Malverne, New York.

12                  Today I come to propose to construct an  
13 exterior basement steps with a bulkhead stair  
14 and landing on the side of my home behind the  
15 chimney stack.

16                  CHAIRMAN TRUNCALE: Can you explain for  
17 the Board why you need or why you are seeking  
18 to put that in?

19                  MR. LINGENHOL: The thought process for  
20 building the staircase also aligns with the  
21 fence permit that I have on file to corral the  
22 two little boys that I have in the house.  
23 Currently now if they are with myself or the  
24 babysitter, the one way or the two ways that  
25 they can get to the backyard is either going

1 through the front door and running around the  
2 house or going through the side door through  
3 the kitchen in the driveway that doesn't have a  
4 fence into the corralled fence area. The steps  
5 that we would create goes to a basement that  
6 doesn't have a bathroom or anything, it's just  
7 washer, dryer, boiler and 15 and a half tons of  
8 baby stuff and totes.

9 It's just a way that they can come in  
10 and out without tracking through the kitchen or  
11 coming all the way around the front through the  
12 front of the home to get back in.

13 CHAIRMAN TRUNCALE: So you are aware  
14 that while you are here for relief from the  
15 Zoning Board for the variance based upon the  
16 lot coverage and the like, you do have to  
17 appear before the Board of Trustees for a  
18 special permit?

19 MR. LINGENHOL: Correct, so that's next  
20 week. Yes, I'm aware.

21 CHAIRMAN TRUNCALE: They will give you  
22 the final blessing. All we can do is give you  
23 the variance.

24 So I won't -- I think generally the  
25 Board of Trustees will ask for a condition to

1 inspect the basement on reasonable notice, but  
2 they'll do that when you get there.

3 But at this point you are not looking  
4 to make the basement habitable space?

5 MR. LINGENHOL: No. Just to get in,  
6 get out and not trudge mud throughout the  
7 house.

8 CHAIRMAN TRUNCALE: It's certainly in  
9 keeping with relief we have given before.

10 Are there any questions from the Board?

11 MR. WALSH: I just want to make a point  
12 if I could?

13 CHAIRMAN TRUNCALE: Sure.

14 MR. WALSH: I think Lou will make it if  
15 I didn't make it.

16 The 6 foot fence?

17 MR. SANTORA: You didn't discuss the  
18 fence yet.

19 CHAIRMAN TRUNCALE: We didn't get to  
20 the fence yet.

21 MR. WALSH: Oh, I'm sorry. You are  
22 breaking them down one by one?

23 CHAIRMAN TRUNCALE: I thought.

24 MR. WALSH: Okay.

25 CHAIRMAN TRUNCALE: Explain the fence

1 now.

2 MR. LINGENHOL: Okay, cool.

3 So currently the side of the property  
4 on the right-hand side there is no fence, it's  
5 just a derelict bush that the kids can run  
6 through, so I wanted to resolve that issue.  
7 The rear fence with the photos provided is a  
8 fence literally falling over. I don't know if  
9 you have those readily available to view. It's  
10 pretty rough, it's at about a 45 degree angle.

11 And then so the fence would go from the  
12 side of the house to the back and then kind of  
13 close off from the back of the garage and  
14 connect with the new PVC that was constructed  
15 on the left-hand side of the property in the  
16 back left corner. Also in between the garage  
17 and the home the chain link fence would be  
18 changed out to the PVC as well. And then the  
19 side of the property, the right-hand side  
20 facing the street would be a lockable gate and  
21 then, therefore, creating a enclosed area.

22 Right now the kids can run left, back  
23 and right everywhere, so there is no way of  
24 really keeping them in there. So that's where  
25 the fence permit and the fence conversation has

1           come in, and just for privacy sake.

2                       CHAIRMAN TRUNCALE:   So, Lou, can you  
3           just explain how this, the Board of Trustees  
4           recently made some changes to its code --

5                       MR. SANTORA:   Yes.

6                       CHAIRMAN TRUNCALE:  -- with regard to  
7           fencing.  Can you explain for the public and  
8           the Board how this fits in with that when  
9           juxtaposed to one another?

10                      MR. SANTORA:   What's going to happen  
11           with our fence code is from the back of the  
12           house going back to the rear property line on  
13           the sides and the rear we are going to start  
14           allowing, it's not official yet, but start  
15           allowing 6 foot high fences instead of the 5  
16           foot.  From the back of the house towards the  
17           front, anything from that point going back 5  
18           foot is the maximum.  So either way you'd have  
19           to be here anyway is my point.  So that's the  
20           5.  Even if this was three months later you  
21           would still need a variance for going all the  
22           way halfway to where the chimney is or  
23           whatever.

24                      MR. LINGENHOL:  On the right-hand side  
25           of the property, yeah.

1 CHAIRMAN TRUNCALE: So is everybody  
2 okay with the fence or would we like to see  
3 some sort of change in the height of the fence?  
4 Not the rear, because we are going to allow  
5 going forward, it's going to be, what, 5?

6 MR. SANTORA: 5 feet high max from the  
7 back of the house forward.

8 CHAIRMAN TRUNCALE: But they are  
9 looking for 6 feet there, right?

10 MR. SANTORA: He's looking for 6, yeah.

11 CHAIRMAN TRUNCALE: So if we were  
12 amenable to allow the rear at 6 foot, would you  
13 be amenable to 5 feet --

14 MR. LINGENHOL: I'm fine with that.

15 CHAIRMAN TRUNCALE: -- to be compliant  
16 with the new code rules?

17 MR. LINGENHOL: Fine by me, yeah.

18 CHAIRMAN TRUNCALE: How does the Board  
19 feel about that?

20 MEMBER SALOGUB: Yeah.

21 MEMBER MAWHIRTER: Yes.

22 MEMBER MCDONALD: Yes.

23 CHAIRMAN TRUNCALE: Kevin, do you have  
24 any other questions?

25 MR. WALSH: So your understanding is

1 from the back house line towards the front of  
2 the house, that fence would be 5 feet?

3 MR. LINGENHOL: Fine.

4 MR. WALSH: That would include the  
5 fence -- it would include that whole addition  
6 on the fence.

7 MR. LINGENHOL: Yeah.

8 CHAIRMAN TRUNCALE: Anybody in the  
9 public wishing to be heard?

10 (Whereupon, there was no response.)

11 CHAIRMAN TRUNCALE: With that I would  
12 ask for a motion to grant the relief requested,  
13 I guess upon the condition that the fencing on  
14 the sides be reduced to a 5 foot height.

15 MEMBER MCDONALD: Are you doing it  
16 separately?

17 CHAIRMAN TRUNCALE: No, we can do them  
18 altogether.

19 MEMBER SALOGUB: I'll second that.

20 CHAIRMAN TRUNCALE: Is there a first?

21 MEMBER MCDONALD: Michelle can do  
22 first.

23 MEMBER SALOGUB: I'll do first.

24 CHAIRMAN TRUNCALE: Second?

25 MEMBER MAWHIRTER: I'll Second.

1 All those in favor?

2 (Chorus of ayes.)

3 CHAIRMAN TRUNCALE: Okay, great.

4 Congratulations!

5 MR. LINGENHOL: Thank you very much.

6 Have a great evening.

7 CHAIRMAN TRUNCALE: Good luck.

8 The boys sound like they are fun.

9 MR. LINGENHOL: Three and four, yeah.

10 CHAIRMAN TRUNCALE: There is no fence  
11 big enough.

12 MR. LINGENHOL: You don't have to tell  
13 me.

14 CHAIRMAN TRUNCALE: Good luck to you.

15 MR. LINGENHOL: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2 application, and I believe the last one of the  
3 evening, is that of Bibi Ali, 216 Franklin  
4 Avenue, proposing to construct conversion of  
5 245.7 square feet of garage to habitable space;  
6 252 square foot attached garage; 752 square  
7 foot second story addition; and proposes to  
8 expand driveway to 589 square feet in front  
9 yard on Franklin Avenue.

10                   Please state your name and address for  
11 the record.

12                   MR. ALI: Good evening.

13                   My name is Tariq Ali, address is 216  
14 Franklin Avenue, Malverne.

15                   CHAIRMAN TRUNCALE: Please tell the  
16 Board and public what it is you are looking to  
17 do.

18                   MR. ALI: Okay. So -- well, I'll take  
19 it one at a time.

20                   The interior space I'm looking to  
21 convert the garage into a new kitchen, open the  
22 wall between the garage and the living room --  
23 the existing dining room to make a combined  
24 kitchen and living area, and then remove the  
25 wall from dining room to the kitchen, the

1 existing kitchen now to make one open space.

2 With that I am requesting -- asking  
3 permission to build a new garage on the side  
4 and that will -- that's the reason why we are  
5 expanding the driveway -- that's one of the  
6 reasons why I am expanding the driveway. And  
7 since I am -- if you allow I'll build the new  
8 garage. Over that I would like to just add a  
9 master bedroom for myself. I am not looking --  
10 right now currently the house is a three  
11 bedroom, it will remain a three bedroom because  
12 I am losing one bedroom to get to the extension  
13 area.

14 The other reason why I need the third  
15 parking space by the garage is because Franklin  
16 Avenue has become a raceway. Just last week --  
17 I personally between my wife and I we have two  
18 vehicles. When guests come over they park on  
19 the street. Two weeks ago someone blazing down  
20 Franklin, T-boned Cornwell, they ran right into  
21 my sister in-law's car, just paid off the car  
22 two months ago. I have pictures for the Board  
23 of the accident right across, straight into her  
24 car. So when I have guests -- may I?

25 CHAIRMAN TRUNCALE: Yes, of course.

1 MR. ALI: So when I have guests I have  
2 to have a space for them to park, it's just not  
3 feasible.

4 MEMBER MCDONALD: Oh, wow.

5 MR. ALI: Yeah, I moved there  
6 three years, and in that three years there's  
7 been five accidents.

8 MEMBER MCDONALD: Really?

9 MR. ALI: One morning I woke up,  
10 thought it was an earthquake, someone speeding  
11 down Franklin slammed right into the tree in  
12 front of my house. If a car is parked there  
13 and someone is in the car there they are gone.  
14 It's bad.

15 What was it, three weeks ago, just  
16 before this accident, a woman got complete --  
17 you know, just completely knocked down. So if  
18 I want to have guests over, it's either I am  
19 buying everyone new cars or I can't have guests  
20 over.

21 CHAIRMAN TRUNCALE: I'll drive my Chevy  
22 Nova there and then you can buy me a new car.

23 MR. ALI: Yeah, so basically I'm just  
24 asking for space for my family and I.

25 I did meet with the neighbors, no one

1           seemed to have any concerns. My neighbor to  
2           the side where I'm actually doing the garage,  
3           he is planning on selling in two years anyway,  
4           that's possibility I buy that too, we'll see.

5                   CHAIRMAN TRUNCALE: Okay. Is there  
6           anybody on the Board with questions at this  
7           point?

8                   MEMBER MAWHIRTER: The driveway apron,  
9           the curb cut into the street, is that existing?

10           MR. ALI: That is existing.

11           MEMBER MAWHIRTER: You are not changing  
12           it?

13           MR. ALI: I am not changing. I am  
14           asking for one more spot where the garage is.

15           MEMBER MAWHIRTER: On your property?

16           MR. ALI: On the property. There is a  
17           tree there that my wife doesn't like anyway, so  
18           I'll remove that and I can just angle straight  
19           in. There is electric post 2 feet away from  
20           that curb, so I have no intentions in changing  
21           the curb cut.

22           MEMBER MAWHIRTER: Okay.

23           MR. WALSH: Can I ask, Lou, what's the  
24           square footage? I can't see it on the plan.  
25           You might have it easily readily available.

Ali, 216 Franklin Avenue - February 12, 2026

1           What's going to be the total square footage of  
2           the house if this is approved?

3                   MR. SANTORA:  Almost 3,000 square feet,  
4           2,800.

5                   MR. WALSH:  So roughly 1,500 per floor?

6                   MR. SANTORA:  Yeah, basically 1,500 per  
7           floor, a little short of that.  I see here the  
8           existing second floor is 715 square feet, the  
9           proposed addition 708 square feet, and the  
10          second floor is basically the same as the first  
11          floor.

12                   MEMBER MCDONALD:  It's just you and  
13          your wife, no children yet?

14                   MR. ALI:  It's my wife and I, my two  
15          girls, and my mother-in-law lives with me as  
16          well.

17                   MEMBER MCDONALD:  Oh, nice.

18                   MR. ALI:  My current room now it's in  
19          the front right over the living room, it's the  
20          full width of the house, 20 by 14, so my plan  
21          is to put the two girls' beds in there, they  
22          will be in there, I want them in a shared room,  
23          my mother-in-law has the room she is in now,  
24          and I get the extension.

25                   MEMBER MCDONALD:  I like the way he

1 smiles.

2 MR. SANTORA: Did you see the size of  
3 his closet?

4 MR. ALI: Yeah, that's my closet. I  
5 have a thing for clothes, my wife she just  
6 loves clothes.

7 Growing up -- on a serious note,  
8 growing up my bed -- my bed was between the  
9 kitchen and my sister's room, in the hallway, I  
10 think I deserve a bedroom now, a nice one,  
11 yeah.

12 MEMBER MCDONALD: How old are your  
13 girls?

14 MR. ALI: Three and four.

15 MEMBER MCDONALD: Just like that  
16 gentleman.

17 MR. ALI: Yeah, three and four. As  
18 they grow I want them together in their room.  
19 I just love it here.

20 MEMBER MCDONALD: I'm glad to hear  
21 that.

22 MR. ALI: When my wife got pregnant I  
23 was, like, listen, we got to get out of here,  
24 we stumbled on Malverne, we came from the City,  
25 and I love it.

1                   We just opened our business here as  
2                   well.

3                   MEMBER MCDONALD:   Where?

4                   MR. ALI:   On Hempstead, Meera Buys  
5                   Houses at Russo's Office, downstairs, yeah,  
6                   that's us, my wife she has her business there.  
7                   We want to stay part of it, stay part of it,  
8                   that's why we need the extension, we are not  
9                   moving anywhere, so I need the space.

10                  MEMBER SALOGUB:   So, I'm looking at  
11                  this, and maybe I can't see it, but you have  
12                  another bathroom on the second floor?

13                  MR. ALI:   No.

14                  MEMBER SALOGUB:   So you just have one  
15                  bathroom?

16                  MR. ALI:   Just one bathroom, yeah.

17                  MEMBER SALOGUB:   That's an awfully big  
18                  room to not have a bath.

19                  MR. ALI:   If you look at it where my  
20                  mother in-law's room is, right --

21                  CHAIRMAN TRUNCALE:   She doesn't need a  
22                  bathroom, right?

23                  MR. ALI:   Her closet extends into our  
24                  room which restricts us and then we -- and the  
25                  extension is over the driveway. I'm a plumber

1 by trade, it extends over the garage. I have  
2 no intentions of dealing with frozen pipes in  
3 the winter, busted pipes, I can't deal with  
4 that.

5 CHAIRMAN TRUNCALE: We know people that  
6 can speak to that.

7 MR. ALI: Yeah.

8 MEMBER MCDONALD: So only  
9 one-and-a-half baths?

10 MR. ALI: Yeah, cause it's only us. I  
11 want to keep it minimum, that's why I am not  
12 adding another bedroom, I want my house, me, my  
13 kids, my mother-in-law, I don't want too many  
14 guests. I know that sounds bad. Come, get  
15 your car banged up and go home. Maybe down the  
16 line, maybe I can add a bathroom later on, but  
17 it's not in the budget right now.

18 MR. WALSH: What's the open room? What  
19 is that thing that's marked open room, what's  
20 that?

21 MR. ALI: That is where the existing  
22 bedroom is now. So that's going to be an open  
23 area where -- because that's the entrance into  
24 my new bedroom. It's a very, very small room  
25 right now, can barely hold a single bed. So

1 we're just going to cut that into the walkway,  
2 so it will be an open space.

3 MR. WALSH: Also the only way to get to  
4 the bathroom, right?

5 MR. ALI: Bathroom or the bedroom, it's  
6 the only way. That's the only way to the room.

7 MEMBER MAWHIRTER: So one of my  
8 concerns is the bulk of the house, it's fairly  
9 large and boxy.

10 Have you explored with the architect  
11 any way of possibly reducing the bulk of the  
12 house so the FAR comes down?

13 MR. ALI: So we did, and it would just  
14 make the house look not good. We did a few  
15 variations because we are trying to use the  
16 space over the garage, level it off rather than  
17 have a setback of maybe 2 feet or 3 feet of  
18 just sitting there, it wouldn't make sense.

19 And the design -- that is why the  
20 design we have the cove in front to make it  
21 look good.

22 Eventually over those entrance I am  
23 looking to canopy it, you know, in another year  
24 or so, so just to bring it there, but it is  
25 going to be good size house, yes.

1 CHAIRMAN TRUNCALE: Will this go to  
2 ARB?

3 MS. SCHNAARS: Yes.

4 CHAIRMAN TRUNCALE: It will go to ARB.

5 MS. SCHNAARS: Next week.

6 CHAIRMAN TRUNCALE: They'll probably  
7 make some suggestions there I would imagine.

8 MR. ALI: Yeah. Even to that too, I  
9 just looked at it, I said, listen, it's my  
10 house, we didn't want to have a house that's  
11 not going to look that appealing as well, I  
12 want something nice.

13 MEMBER MAWHIRTER: I'm just concerned  
14 with the bulk of the house. To me it just  
15 seems, and I am not trying to plan the house  
16 for you, but it just seems the closet seems  
17 pretty large. Seems there might be ways to  
18 explore where you can bring the bulk of the  
19 house down a little bit.

20 MR. ALI: Yeah, but then -- I can look  
21 at ways -- some other ways, I can explore some  
22 more, but then it just defeats the purpose.  
23 I'm just going to lose more space when I'm  
24 looking to get more space. If I could build  
25 more, I'd build more.

1 CHAIRMAN TRUNCALE: But you are asking  
2 for a significant amount of relief here.

3 MR. ALI: Yes.

4 CHAIRMAN TRUNCALE: And, you know, you  
5 can still achieve what you are looking for but  
6 still reduce the magnitude of the relief you  
7 are asking us to give.

8 I mean, Lou, I don't know what we can  
9 suggest without redesigning the house here.

10 Or, counsel, is there a way to give a  
11 number and have them figure it out on their  
12 end?

13 MR. WALSH: For the trustees?

14 CHAIRMAN TRUNCALE: No.

15 MR. WALSH: For the applicant?

16 CHAIRMAN TRUNCALE: Yeah.

17 MR. WALSH: The issue that -- you are  
18 hitting on the issue that some of these rooms  
19 are so large it looks like they are just not  
20 something you've seen. And the closet, just  
21 having a closet that size -- when you are  
22 seeking a variance, it's hard to show the need  
23 for it to vary the code for that type of FAR.

24 CHAIRMAN TRUNCALE: Right.

25 MR. WALSH: It's not in proportion to

1 anything.

2 CHAIRMAN TRUNCALE: So are we able to  
3 say, you know, where the FAR being sought is  
4 54.08, would we be able to grant the variance  
5 saying not to exceed?

6 MR. WALSH: Well, if the applicant is  
7 willing to do some work -- see you don't have  
8 the benefit of how would we do this, the  
9 applicant doesn't either because he doesn't  
10 have his architect here either.

11 But I think your point might be that's  
12 hard to do because we don't see the need, which  
13 you have to demonstrate a particular need here.  
14 You've articulated your need here personally,  
15 but on an objective level with the size of  
16 these rooms, you know, that closet is bigger  
17 than any room in my house.

18 And so the question is whether or not  
19 the Board can grant you that type of floor  
20 area, or you have to do something to get it  
21 down somewhat.

22 I will tell you also precedentially, I  
23 don't know that you've done this.

24 CHAIRMAN TRUNCALE: I don't think we've  
25 gone this high before.

1 Michelle, that's a question for you.

2 MEMBER SALOGUB: I don't think we've  
3 done a bedroom this big.

4 I'm just looking at this closet and  
5 it's only slightly smaller than my living room.  
6 So it's enormous. I don't know how many  
7 clothes you can possibly have to put in there  
8 but, you know, that's what you want to do. It  
9 seems to me it's set up to be like an en suite  
10 or something eventually.

11 MR. ALI: Maybe. Maybe eventually I  
12 will ask to put a bathroom in there eventually,  
13 yes. And I mentioned that before, yes,  
14 eventually.

15 MEMBER SALOGUB: That whole extension  
16 up there is going to be, like, 35 by 21, that's  
17 enormous for a bedroom.

18 MR. WALSH: I'll tell you the other  
19 thing that the trustees are going to say, so  
20 you might as well hear it, there is no  
21 architectural breakup in that, it's a long  
22 running building that I think its got an issue  
23 with them.

24 CHAIRMAN TRUNCALE: Aesthetically  
25 speaking.

1                   MR. WALSH:  And I think this Board's  
2                   issue is the size of it on numbers, their issue  
3                   is going to be the aesthetics of the size of  
4                   it.  So I think you are going to face it in two  
5                   directions.  And even if this Board -- somehow  
6                   got through this Board, they are going to say  
7                   you have to do something architecturally to  
8                   break that front up so it doesn't look like a  
9                   continuous run like that on this lot.  I'm not  
10                  speaking for the trustees, but I'm saying they  
11                  are going to say, how do we get a variance this  
12                  large when this is what you are showing is the  
13                  need?

14                 So I think for precedent purposes you  
15                 haven't granted anything this large, and I  
16                 leave it to the Board to determine if they have  
17                 seen the demonstration of the need.

18                 MEMBER SALOGUB:  I just have one more  
19                 thing to say, and I don't know if this is true,  
20                 but is there a fire code issue here?  Because  
21                 it's an enormous space and it's only one tiny  
22                 little door to get out of the room if there  
23                 were to be a fire or something.

24                 MR. SANTORA:  During the plan review --  
25                 I don't think there is any issues with that,

1 but during the plan review when it comes to  
2 building code performance I will be working  
3 that out with the architect before I approve  
4 the plans.

5 And I just wanted to throw this out to  
6 the Board, since you were discussing a possible  
7 approval tonight of a number or a percentage,  
8 just, for instance, assuming -- I don't have  
9 the zoning calculations of the exact lot size,  
10 but assuming the lot is 5,000 square feet and  
11 he takes -- and then say, okay, if he takes off  
12 6 feet of half of that room, half of that  
13 closet, and then he can move his wall and make  
14 his bedroom smaller, or whatever to make the  
15 closet, but if he takes off 6 feet of the house  
16 of the second floor, that's 120 square feet.  
17 So 120 square feet divided by 5,000,  
18 hypothetically speaking, is what, what kind of  
19 percentage is that?

20 MS. SCHNAARS: What was it, 120 divided  
21 by?

22 MR. SANTORA: Divided by 5,000.

23 MS. SCHNAARS: .024, 24 percent.

24 MR. SANTORA: So it's two and a half  
25 percent. So if he came into the Board, then

1 he'd be asking for 521.5.

2 MEMBER MCDONALD: What's the most?

3 MEMBER SALOGUB: I was looking around  
4 just briefly, I didn't go through every single  
5 thing, but I saw 46 recently that we approved,  
6 46 percent.

7 MEMBER MCDONALD: And prior to that?

8 MEMBER SALOGUB: There was a 42.

9 CHAIRMAN TRUNCALE: So I think you need  
10 to understand something, this Board's job is to  
11 look at your application in the entirety and  
12 try to work with you to give you some of what  
13 you are looking for, but while at the same time  
14 doing a balancing test to make sure that, you  
15 know, what you are seeking doesn't outweigh the  
16 detriment to the surrounding neighborhood. And  
17 we try to look at and be consistent with what  
18 we've done in the past. And so desire and want  
19 to have something is not the same as need to  
20 have something.

21 And we understand, that's why we are  
22 sitting here, we are going through this in a  
23 painstaking fashion because we are trying to  
24 help you --

25 MR. ALI: Yeah, I appreciate that.

1                   CHAIRMAN TRUNCALE:  -- get to what you  
2                   need, but you also have to understand that we  
3                   are trying to, you know, balance everything out  
4                   because this would be more relief than we've  
5                   ever given before.

6                   MR. WALSH:  Mr. Chairman, can I ask a  
7                   question?

8                   Lou, is the garage, because it's  
9                   attached, part of the FAR?

10                  MR. SANTORA:  Because the way our code  
11                  reads, if there is a second story above a  
12                  garage, the garage counts in the FAR square  
13                  footage.

14                  MR. WALSH:  But if it were a detached  
15                  garage, because it wouldn't be a second story  
16                  above it.

17                  MR. SANTORA:  If it were a detached  
18                  garage it wouldn't have a second story above  
19                  it.

20                  MR. WALSH:  So there is a logic,  
21                  Mr. Chairman, for going a little above what you  
22                  might have gone in other cases, but I'm not  
23                  suggesting all the way to the applicant's  
24                  request.

25                  CHAIRMAN TRUNCALE:  I just don't know

1           how to get there without -- I mean we don't  
2           have the ability to say if we did X, Y, Z this  
3           would get it to where -- so I guess I'm looking  
4           for some guidance from you and the building  
5           department at this point.

6                        Unless the Board wants to take a vote  
7           and we can see where that goes?

8                        MEMBER SALOGUB: We did have one that  
9           was 49.8 and we changed the setback and reduced  
10          it to 45. I don't think we ever went this  
11          high. We never went over 50.

12                       MS. SCHNAARS: There was one where it  
13          was 48.9, that was in 2021.

14                       MEMBER SALOGUB: 2021?

15                       MS. SCHNAARS: Yes.

16                       MR. WALSH: So, you know, you can't  
17          redesign the house obviously, and you can't --  
18          I don't think you should. I don't think the  
19          applicant is well-served by getting a vote  
20          tonight because they are just going to have to  
21          start all over again.

22                       So I think what might be the best thing  
23          to do is allow -- so it can come back quicker,  
24          is allow the architect to try and redesign it  
25          at a more manageable FAR.

Ali, 216 Franklin Avenue - February 12, 2026

1                   MEMBER MAWHIRTER:   Would it be  
2                   appropriate for us to make a recommendation of  
3                   a maximum?

4                   MR. WALSH:   You can certainly say,  
5                   look, I think that we don't want to get to  
6                   50 percent.   Based on the history here we don't  
7                   want to set our record here on this house, and  
8                   that might give some guidance to a architect of  
9                   what to do and how to do it.

10                  CHAIRMAN TRUNCALE:   I still think you  
11                  can get a lot of what you are looking for while  
12                  at the same time getting us to a comfort zone  
13                  where we are happy to say, let's approve this.  
14                  You're still going to get a lot of relief.   I  
15                  think what we're saying is our comfort zone is  
16                  just under 50 percent.

17                  And I think what you need to know  
18                  procedurally is what we would do is just  
19                  continue your application, which means you  
20                  don't have to do anymore mailings, you go back  
21                  to your architect and say this is the number  
22                  they are trying to bring it under, and have him  
23                  see if he can work it with the design to get us  
24                  below that 50.   Even if it's 49 and a half, I  
25                  think we'd feel much more at ease granting

1 relief under those parameters.

2 MR. ALI: Okay. So, Lou, can I ask a  
3 quick question?

4 MR. SANTORA: Of course.

5 MR. ALI: If I were to cut back the  
6 closet, how much feet would I have to set back  
7 to accomplish?

8 MR. SANTORA: Put it this way, the  
9 garage is about 240, 250 square feet.

10 12 by 21, Mary Kate?

11 MS. SCHNAARS: I'm sorry? Say that one  
12 more time.

13 MR. SANTORA: 12 times 21 is what?

14 MS. SCHNAARS: Is 252.

15 MR. SANTORA: 252 square feet, divided  
16 by hypothetically 5,000, which is about double  
17 of what we said before.

18 MS. SCHNAARS: .504.

19 MR. SANTORA: So there is your  
20 five percent to bring you down under 50  
21 percent, knocked 240 square feet off.

22 CHAIRMAN TRUNCALE: By doing what?

23 MR. WALSH: Does he knock that off by  
24 cutting the closet?

25 MR. SANTORA: I'm not the architect,

1 even though I am an architect, he basically  
2 would not have a second floor over his proposed  
3 attached garage.

4 MR. WALSH: What if he cut the garage  
5 halfway, the second story halfway, that would  
6 take 120 off, right?

7 MR. SANTORA: That would take about 120  
8 off, yeah, that's two and a half percent.

9 MR. WALSH: And then because -- I'm  
10 just asking the way you interpret these things.

11 MR. SANTORA: Then that part of the  
12 garage does not count.

13 MR. WALSH: Right. So, therefore, he  
14 covers the same way.

15 MR. SANTORA: I can make that work.

16 CHAIRMAN TRUNCALE: You understand the  
17 reason why your attached garage counts because  
18 you are building over it. If you reduced your  
19 expansion over the garage, that portion of the  
20 garage that doesn't have something over it  
21 wouldn't count anymore, so you'd get to keep  
22 more expansion without having -- you  
23 understand? Because we could carve out that  
24 piece of the garage towards the count, so we  
25 are asking you to actually give up less.

1 MR. SANTORA: So basically what will  
2 end up is you're only going to chop off 6 feet  
3 off the second floor, just 6 feet.

4 MR. ALI: Okay. Yeah.

5 MR. SANTORA: You look at the elevation  
6 and you'll just have a regular roof over it  
7 with attic space.

8 CHAIRMAN TRUNCALE: Can we make that  
9 work tonight without making him come back? I  
10 think we could.

11 MR. WALSH: If your building  
12 superintendent can make the calculation  
13 and determine what that square footage is.

14 MR. SANTORA: I don't have the exact --  
15 can you look at the zoning analysis sheet and  
16 tell me what the lot size is, Mary Kate,  
17 please?

18 MEMBER MAWHIRTER: Couldn't we say not  
19 to exceed?

20 MR. WALSH: To be under 50 percent, you  
21 could.

22 MR. SANTORA: 49.99.

23 MR. WALSH: Did you hear that,  
24 Mr. Chairman?

25 CHAIRMAN TRUNCALE: No. Can you repeat

1 it please?

2 MEMBER MAWHIRTER: We give him a not to  
3 exceed number, and let his architect figure out  
4 how to get there.

5 CHAIRMAN TRUNCALE: Right. With the  
6 understanding that -- his architect should  
7 understand that if he reduces it, the living  
8 space over the garage, that portion of the  
9 garage underneath it doesn't count towards the  
10 count.

11 MR. WALSH: So what's being floated  
12 tonight by the members, and you would have to  
13 agree to this and you would have to amend your  
14 application here to say I will produce a  
15 drawing for the building department when I go  
16 for my building permit that will have an FAR of  
17 less than 50 percent. How much less is the  
18 Board will accept something as long as it's  
19 under 50 percent. If you do that, that will be  
20 accepted by the building department and you  
21 will go into the building permit phase and then  
22 you'll go before the trustees. I don't know  
23 whether or not you have a meeting set up with  
24 the trustees.

25 MS. SCHNAARS: Yes, it is on the

1 calendar for next week. It has been noticed to  
2 the Herald. We could potentially adjourn it on  
3 the record, no additional notices would need to  
4 be done next Thursday and then they could come  
5 for the March 19th hearing.

6 MR. WALSH: I think that that's going  
7 to be a better move also, because I think you  
8 would want to talk to your architect.

9 MR. ALI: Yeah, I have to get new plans  
10 drawn.

11 CHAIRMAN TRUNCALE: We also can obviate  
12 the need for you to come back here. Would you  
13 rather get this done tonight?

14 MR. ALI: Yeah.

15 CHAIRMAN TRUNCALE: The ARB, Mary Kate,  
16 we don't --

17 MR. SANTORA: She went downstairs.

18 CHAIRMAN TRUNCALE: He doesn't do  
19 mailings for ARB?

20 MR. SANTORA: No.

21 She went down to get a copy of the  
22 zoning sheet to see the lot size.

23 CHAIRMAN TRUNCALE: Before we proceed,  
24 is there anybody in the public that wishes to  
25 be heard?

1 (Whereupon, there was no response.)

2 MR. WALSH: Sir, it's your intention  
3 to amend your application to indicate to the  
4 Board tonight that you would like them to  
5 consider granting this variance with a floor  
6 area ratio that's going to be less than  
7 50 percent?

8 MR. ALI: Yes.

9 MR. WALSH: That's your choice.

10 CHAIRMAN TRUNCALE: So is there a  
11 motion to approve the relief as requested with  
12 the caveat that he reduces the floor area ratio  
13 below 50 percent, all other aspects of relief  
14 requested granted?

15 MEMBER MAWHIRTER: I'll make that  
16 motion.

17 CHAIRMAN TRUNCALE: Is there a second?

18 MEMBER SALOGUB: I'll second.

19 CHAIRMAN TRUNCALE: All those in favor?

20 (Chorus of ayes.)

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

23 MEMBER MAWHIRTER: I'll make a motion.

24 CHAIRMAN TRUNCALE: Second?

25 MEMBER MCDONALD: I'll second that.

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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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 25th day of February, 2026.

  
\_\_\_\_\_  
MARY KATE WALDRON