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## M I N U T E S

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## OF THE MEETING

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## OF THE

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## ZONING BOARD OF APPEALS

6

## INCORPORATED VILLAGE OF MALVERNE

7

June 12, 2025

8

7:00 p.m.

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11 PRESENT:

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BENJAMIN TRUNCALE, JR., CHAIRMAN

13

BRUCE MAWHIRTER, MEMBER

14

MICHELLE SALOGUB, MEMBER

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JOHN TULLEY, MEMBER

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MARY ANN HANSON, MEMBER

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18

19 Also Present:

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Kevin Walsh - Village Attorney

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Mary Kate Schnaars - Building Department Clerk

22

Louis Santora - Building Superintendant

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Cronin, 135 Home Street - June 12, 2025

1                   CHAIRMAN TRUNCALE: Good evening,  
2                   everybody. Please rise for the Pledge of  
3                   Allegiance.

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

6                   CHAIRMAN TRUNCALE: Good evening.  
7                   Welcome to the June 12th meeting of the  
8                   Malverne Zoning Board. We have a number of  
9                   applications on the agenda for this evening.

10                  First application for consideration  
11                  this evening by the Zoning Board is that of 135  
12                  Home Street, Residential "A" District, Building  
13                  Permit Application 2024-0705, Applicant Sean  
14                  Cronin.

15                  Please step up, sir, and present your  
16                  application.

17                  MR. CRONIN: Thank you.

18                  Good evening, I'm Sean Cronin, the  
19                  owner of 135 Home Street.

20                  I'm here regarding my permit  
21                  application, request for a variance to go above  
22                  the maximum allowable FAR, and for going above  
23                  the front yardage, the maximum is 25 feet, we  
24                  are proposing 22 and a half, so we are doing a  
25                  rear addition and an addition over the garage,

Cronin, 135 Home Street - June 12, 2025

1 and then a front vestibule to make the entryway  
2 a little bit bigger.

3 So I know that we are going over the  
4 maximum allowable FAR, but it's mostly due to  
5 the requirement that the garage be included in  
6 the floor area calculation if you build over  
7 it. You know, if the same square footage were  
8 to be added elsewhere on the property it would  
9 just increase the lot coverage and the  
10 available yard space and green planting areas.

11 I am requesting the variance because I  
12 want bigger space for my family. I plan on  
13 expanding my family, and I am going to prepare  
14 and welcome my father-in-law to stay with us  
15 who was just recently diagnosed with ALS, so I  
16 am going to need additional space for him, and  
17 that's part of the reason why the entryway is  
18 going to get bigger as well.

19 CHAIRMAN TRUNCALE: Sorry to hear about  
20 your father-in-law.

21 MR. CRONIN: Thank you.

22 CHAIRMAN TRUNCALE: Anybody in the  
23 public that wants to be heard on the  
24 application either in favor or against?

25 (Whereupon, there was no response.)

1                   CHAIRMAN TRUNCALE: So then I will turn  
2                   it over to the Board.

3                   Does the Board have any questions?

4                   MEMBER TULLEY: No.

5                   MEMBER SALOGUB: No.

6                   CHAIRMAN TRUNCALE: So just to opine a  
7                   little bit on the application. The requests  
8                   that he is seeking from us seem to be in line  
9                   with variances that we've granted in the past.  
10                  They are di minimis as far as I'm concerned.

11                  As such I would ask if anybody would  
12                  like to make a motion to approve the  
13                  application?

14                  MEMBER HANSON: I make a motion to  
15                  approve the application.

16                  CHAIRMAN TRUNCALE: Is there a second?

17                  MEMBER TULLEY: Second.

18                  CHAIRMAN TRUNCALE: All those in favor?

19                  (Chorus of ayes.)

20                  CHAIRMAN TRUNCALE: Congratulations!

21                  MEMBER HANSON: Good luck. It looks  
22                  beautiful. Looks like it's going to be  
23                  beautiful.

24                  MR. SANTORA: See you Wednesday.

25                  MR. CRONIN: Thank you.

Massey, 195 Ocean Avenue - June 12, 2025

1                   CHAIRMAN TRUNCALE: The next  
2                   application before the Board this evening is  
3                   that of Doni Massey, 195 Ocean Avenue,  
4                   Residential "A" District.

5                   Please step up and present your  
6                   application for the Board and the public.

7                   MS. MASSEY: He will communicate better  
8                   than I.

9                   CHAIRMAN TRUNCALE: Hi. How are you?

10                  MR. MASONE: Good evening, ladies and  
11                  gentlemen of the Zoning Board. My name is  
12                  Michael Masone, I am the owner of Masone  
13                  Masonry, 182A East Shore Drive, Massapequa, New  
14                  York 11758. I am here representing Miss Doni  
15                  Massey of 195 Ocean Avenue in Malverne.

16                  We are here this evening to request a  
17                  variance -- a number of variances, to construct  
18                  a 16 by 36 inground swimming pool with drywell  
19                  located in the front yard area.

20                  CHAIRMAN TRUNCALE: Why don't you walk  
21                  us through the relief you need.

22                  MR. MASONE: Sure. So the proposed  
23                  pool is 10 and a half from the main building,  
24                  while minimum distance is usually at 12.

25                  Also requesting a variance for the

Massey, 195 Ocean Avenue - June 12, 2025

1 proposed pool to be located in the front yard,  
2 also requesting a variance for the drywell to  
3 be located in the front yard, as well as the  
4 existing fence has three gates when typically  
5 only one gate is supposed to be surrounding a  
6 swimming pool.

7 Much of the reason for the variances  
8 requested this evening are because Miss  
9 Massey's property is on -- Miss Massey's home  
10 is located on two parcels.

11 So if you look --

12 CHAIRMAN TRUNCALE: It's a very big  
13 lot.

14 MR. MASONE: Yes, it is a large lot.  
15 And -- one second, I need to look at my notes  
16 here.

17 So 195 Ocean Avenue falls on two  
18 parcels of land, the residence faces Ocean,  
19 technically making the lot on Doris Place the  
20 rear yard. We are doing our best to maintain  
21 the lot coverage with her existing patio that  
22 she has now by putting in a paver system with  
23 turf between it for drainage, we are oversizing  
24 the drywell for the swimming pool for these  
25 reasons as well.

1                   CHAIRMAN TRUNCALE: Lou, is this  
2                   situation unique? Has anybody else installed a  
3                   swimming pool in their, quote unquote, front  
4                   lots?

5                   MR. SANTORA: Through lots it's a  
6                   common thing that people have to go for a  
7                   variance, but it's usually not -- you have  
8                   to -- you don't have to do anything, but that's  
9                   their backyard.

10                  MEMBER HANSON: Yes.

11                  MR. SANTORA: I've seen other towns and  
12                  villages, it happens all the time with through  
13                  lots.

14                  MR. MASONE: Yeah, absolutely.

15                  MR. SANTORA: We have through lots in  
16                  Ogston Terrace over there.

17                  MEMBER HANSON: Linden Place.

18                  MR. SANTORA: Yeah.

19                  MEMBER HANSON: Yeah, Linden. All back  
20                  in Linden over there.

21                  CHAIRMAN TRUNCALE: I will open it to  
22                  the Board. Does anybody have any questions?

23                  MEMBER TULLEY: The only question is  
24                  the three gates. Usually especially because of  
25                  safety issues with the pool, we usually only

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1 allow the one gate. In particular, talking  
2 about the one that's in the corner furthest  
3 away from the house, between to Dor -- on Doris  
4 in the corner, because that's not going to be  
5 monitored from the house at all. And then you  
6 have the one that's all the way over to the  
7 right, I believe, by Alden and Ocean. So we  
8 prefer to have one gate.

9 MR. MASONE: So I guess my question  
10 is -- so there is one gate on the driveway  
11 side, there is another gate on the walk side,  
12 which is closest to the front door. Would you  
13 be opposed to possibly losing that gate,  
14 leaving -- so the driveway side we would prefer  
15 stays, obviously because if anything ever has  
16 to get to the garage, that's for sure something  
17 that needs to be there. How they live their  
18 life, for the most part, is using the entrance  
19 on Doris. I also feel like that's going to be  
20 further away from the pool than the other gate  
21 is on the opposite side of the house, on the  
22 Ocean side.

23 MEMBER TULLEY: Yeah, but the issue is  
24 not how far away it is from the pool, it's  
25 where it's going to be monitored and watched,



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1 and that's the least one, that one right there  
2 is going to be watched the least. It's going  
3 to be a tough time. The one by the front by  
4 the garage you are going in and out of, but the  
5 one by Doris I see that as a problem.

6 MS. MASSEY: If we could put any type  
7 of additional locks or so? Our life is -- our  
8 play life is on Doris with the kids, we would  
9 have no access to leave the -- we would have no  
10 access to leave the property.

11 MR. SANTORA: I could throw out --  
12 excuse me, guys --

13 CHAIRMAN TRUNCALE: You are only  
14 allowed to have one opening I thought.

15 MR. SANTORA: Zoning is one gate.

16 MR. MASONE: One gate per property?

17 MR. SANTORA: Going to the pool area.  
18 Pool area.

19 MEMBER TULLEY: Pool is separate.

20 MR. MASONE: I get it.

21 MEMBER TULLEY: The way you have it so  
22 spread out for the whole property, actually  
23 even with just the one gate, it's not really  
24 very safe for the pool. You can access the  
25 house from all over. Normally the gate in the

1 fence, so you are actually limiting even from  
2 the house. You are not limiting it at all from  
3 here, that's where I am having a problem the  
4 safety issue of any kid to walk through that  
5 gate, not a problem at all, pretty simple.

6 MR. SANTORA: What I was going to say  
7 earlier was, you can go above and beyond the  
8 New York State Code and put a audible alarm on  
9 the outside gate if the Board deems that that's  
10 okay. Up to you guys.

11 CHAIRMAN TRUNCALE: Right now we are  
12 talking three gates?

13 MEMBER TULLEY: Yes.

14 MEMBER HANSON: They are saying they  
15 will take out one. So we'd be talking about  
16 two.

17 MR. MASONE: I'm suggesting --

18 CHAIRMAN TRUNCALE: Just so you know,  
19 as recently as last month or the month before,  
20 we had somebody with two gates, and we had them  
21 get rid of one of those gates and make it a  
22 garbage enclosure that could only be reached  
23 from the other side.

24 MEMBER MAWHIRTER: Was there anything  
25 in the State Code that if they did offer to

1 lock that rear gate?

2 MR. SANTORA: A gate's a gate, there's  
3 no guarantee it's going to stay locked.

4 The three gates is not in the State  
5 Code as you know, Bruce, it's only Malverne  
6 Village Code. You have to have self-closing,  
7 swinging out, lockable -- safety lockable  
8 latch.

9 MEMBER TULLEY: Like I said, the other  
10 choice is to gate off the pool in a separate  
11 fence.

12 MEMBER HANSON: A lot of people put a  
13 separate fence around their pool.

14 MEMBER TULLEY: Right, they do put a  
15 separate fence around the pool.

16 MR. MASONE: What if we fenced with an  
17 estate fence around the pool itself?

18 MEMBER HANSON: That you can do.

19 MEMBER TULLEY: That you can do.

20 MEMBER HANSON: Then you can keep all  
21 three.

22 MR. MASONE: Could it be 4 foot tall,  
23 or it has to be 5?

24 MR. SANTORA: I will defer to our  
25 attorney, Zoning attorney about it. They are

1 here for a variance for the three gates, not  
2 necessarily the fence itself, three gates. Now  
3 they are proposing to put a 4 foot high open  
4 picket estate fence just around the pool only  
5 with one gate to that. But our Zoning Code  
6 calls for a 5 foot solid enclosure around the  
7 pool. Can we make that decision easily right  
8 now without any issues?

9 CHAIRMAN TRUNCALE: That would  
10 necessitate another variance, and we didn't  
11 notice it for that.

12 MS. MASSEY: I can't see through that.

13 MR. SANTORA: I agree with you.

14 MR. MASONE: I am just going to throw  
15 this out there, what about an automatic cover?

16 MR. WALSH: Doesn't change.

17 MR. MASONE: I am trying to spitball.

18 MEMBER TULLEY: The problem with the  
19 automatic cover, and I've seen it, is you can  
20 still have water accumulate in the cover, in  
21 and around the cover.

22 MR. MASONE: A thousand percent. I  
23 understand.

24 MEMBER TULLEY: So that's not going to  
25 work on that.

1                   What about the fence around --  
2                   non-solid fence around the pool?

3                   MEMBER SALOGUB: What are the spaces?

4                   CHAIRMAN TRUNCALE: We can't do that  
5                   tonight.

6                   MEMBER HANSON: But we are throwing it  
7                   out to them.

8                   MEMBER SALOGUB: What are the spaces?

9                   CHAIRMAN TRUNCALE: I'm guessing you  
10                  want the pool for this summer, right?

11                  MR. MASONE: The weather we've been  
12                  having, I still don't know if it's going in.

13                  CHAIRMAN TRUNCALE: And the reason why  
14                  you need more than one gate, just explain that  
15                  to us.

16                  MR. MASONE: So the way that they use  
17                  their life, for the most part park on Doris,  
18                  they don't really use Ocean.

19                  CHAIRMAN TRUNCALE: And you access from  
20                  that side?

21                  MR. MASONE: Correct.

22                  MS. MASSEY: Mostly during the day we  
23                  park on Doris, and the kids play ball, we do  
24                  everything.

25                  CHAIRMAN TRUNCALE: And your garage

1 opening is on what side, faces Doris?

2 MS. MASSEY: Faces Ocean.

3 CHAIRMAN TRUNCALE: So when you are  
4 done for the day you are coming from Ocean?

5 MS. MASSEY: We park at night we come  
6 from Ocean, but when we come home we all gather  
7 on Doris, the kids play, the family meets up  
8 every day on Doris, we would have to go through  
9 that, come back around the whole entire block  
10 to get back in and out of our property. Doris  
11 gate is opened 100 times more than Ocean, if  
12 that makes sense.

13 MR. WALSH: You couldn't get out to  
14 Doris without going around the block.

15 CHAIRMAN TRUNCALE: Golf cart. I am  
16 kidding.

17 MR. WALSH: So if the applicant pulls  
18 back or changes the plan to reflect a 4 foot  
19 fence inside the pool with one gate, that's the  
20 question as to whether or not you will allow it  
21 as a variance? It will be a variance because  
22 it's not the gate that's permitted, the fence  
23 is permitted. But I think that's a decision  
24 you can almost make here because there is no  
25 public that's going to care about that.

1 MEMBER TULLEY: True.

2 MR. WALSH: I just don't see it.

3 CHAIRMAN TRUNCALE: So what kind of  
4 fence would you put around the pool, like an  
5 estate fence?

6 MR. MASONE: A 4 foot aluminum estate.

7 CHAIRMAN TRUNCALE: I've seen that  
8 before.

9 MEMBER HANSON: My cousin did that.

10 MR. MASONE: I feel like that's the  
11 safest thing.

12 CHAIRMAN TRUNCALE: With an alarm on  
13 the gate?

14 MR. MASONE: Of course.

15 CHAIRMAN TRUNCALE: That's required.

16 MR. SANTORA: Alarm doesn't have to be  
17 on the gate.

18 CHAIRMAN TRUNCALE: A pool alarm  
19 though, right?

20 MR. SANTORA: A pool alarm is required.  
21 The only time you don't need a pool alarm is  
22 when you have the automatic cover, but that's  
23 not worth the money.

24 MR. MASONE: Not worth the money.  
25 Alarm on a gate, as well as a floating pool

1 alarm inside the pool.

2 MEMBER HANSON: You don't need alarm on  
3 the gate.

4 CHAIRMAN TRUNCALE: I would like an  
5 alarm on the gate.

6 MEMBER HANSON: They don't need it.

7 CHAIRMAN TRUNCALE: They don't need it  
8 but we can ask for that.

9 MR. MASONE: If you give me the  
10 variance I will put the alarm on the gate.

11 MR. SANTORA: \$70 item.

12 CHAIRMAN TRUNCALE: We can talk about  
13 it.

14 Let's see if anybody in the public  
15 wants to be heard?

16 (Whereupon, there was no response.)

17 CHAIRMAN TRUNCALE: So are we still --  
18 if we do the gate -- the fence around the  
19 perimeter of the pool --

20 MEMBER TULLEY: They can keep the other  
21 gates.

22 CHAIRMAN TRUNCALE: You are going to  
23 keep all three gates or are we still going to  
24 eliminate one gate?

25 MEMBER TULLEY: No, keep all three



1 gates.

2 CHAIRMAN TRUNCALE: Keep all three  
3 gates.

4 MR. SANTORA: It's only to the pool  
5 enclosure.

6 CHAIRMAN TRUNCALE: So we are good with  
7 that.

8 MR. MASONE: So we have one gate on the  
9 pool fence and that's it.

10 MEMBER TULLEY: That's it. And the  
11 other three gates stay, I am fine with that.

12 CHAIRMAN TRUNCALE: Is everybody good  
13 with that?

14 MEMBER HANSON: I am fine with that.

15 MR. WALSH: I'm okay.

16 MEMBER MAWHIRTER: Okay.

17 MEMBER TULLEY: I make a proposal that,  
18 in lieu of closing any of the other gate  
19 openings, that a separate fence is put around  
20 the pool with one self-closing gate.

21 CHAIRMAN TRUNCALE: And with all the  
22 other requirements.

23 MEMBER HANSON: The alarms on the pool.

24 CHAIRMAN TRUNCALE: The alarms as  
25 required by State Code.

1 MR. MASONE: That's standard.

2 CHAIRMAN TRUNCALE: Is there a second?

3 MEMBER HANSON: I'll second.

4 CHAIRMAN TRUNCALE: All those in favor?

5 (Chorus of ayes.)

6 MR. MASONE: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2                   application is that of Kevin Gaffney, 44 Nassau  
3                   Boulevard, Residential "B" District, Building  
4                   Permit Application Number 2025-0223.

5                   Please state your name and address for  
6                   the record.

7                   MR. FEIHEL: Nicholas Feihel, 58  
8                   Lexington Avenue, Malverne, representing Kevin  
9                   and Danielle Gaffney of 44 Nassau Boulevard.

10                  CHAIRMAN TRUNCALE: Please state your  
11                  case for the Board.

12                  MR. FEIHEL: We are proposing a second  
13                  story addition and asking for relief of total  
14                  floor area and side yard setback.

15                  We are staying within the existing  
16                  footprint of the dwelling, side yard would be  
17                  4 feet on the west side, we are going straight  
18                  up from that wall, total floor area we are  
19                  exceeding by point 06, essentially repeating  
20                  the full footprint of the existing first floor.

21                  This is an undersized lot, so if we  
22                  were to meet the minimum lot size of 6,000 feet  
23                  we would not actually be looking at a floor  
24                  area variance.

25                  CHAIRMAN TRUNCALE: Are you already

1 nonconforming?

2 MR. FEIHEL: For the side yard, yes.

3 MEMBER TULLEY: The side yard, yeah.

4 MEMBER HANSON: How about the fence?

5 MR. FEIHEL: Oh, I'm sorry. We are  
6 also looking -- I forgot about that one, thank  
7 you.

8 We are also legalizing a portion of the  
9 fence that's extending above the 5 foot minimum  
10 -- maximum. I'm sorry. It is a total of  
11 8 feet for the privacy of 5 foot solid with  
12 3 feet privacy screen above, this is along west  
13 and south sides.

14 CHAIRMAN TRUNCALE: I will open it to  
15 the Board for questions.

16 MEMBER HANSON: Okay, I want to ask why  
17 is there an 8 foot fence when it's 5 foot?

18 MR. FEIHEL: It is to block the view to  
19 the neighboring yard that is unkempt and has  
20 several unregistered cars, and just trying to  
21 block the privacy to that neighboring yard and  
22 to the rear yard. The rear property line is  
23 into a property in Lynbrook.

24 MEMBER HANSON: Is to the property in?  
25 I'm sorry.

1 MR. FEIHEL: Lynbrook, the south side.

2 CHAIRMAN TRUNCALE: So we don't have  
3 jurisdiction over that property?

4 MEMBER HANSON: Wait a minute.

5 MR. SANTORA: It's Lynbrook.

6 MEMBER HANSON: So his back fence is  
7 Lynbrook?

8 MR. SANTORA: Yes, that's the border of  
9 Lynbrook and Malverne.

10 MEMBER HANSON: What's Lynbrook's?

11 CHAIRMAN TRUNCALE: It's a border wall.  
12 The piece going above the 5 feet is  
13 lattice?

14 MR. FEIHEL: Correct.

15 MEMBER HANSON: I'll tell you right now  
16 I have a problem with an 8 foot fence. Then  
17 everyone is going to put 8 foot fences up,  
18 what's good for one is good for all.

19 MEMBER TULLEY: What do you propose?

20 MEMBER HANSON: I propose he take the  
21 lattice down.

22 MEMBER MAWHIRTER: I propose shrubs  
23 along the fence line.

24 MEMBER TULLEY: We are 6 feet?

25 MEMBER HANSON: We are 5 feet.

1                   MEMBER MAWHIRTER: They are looking  
2 just to block the view, would that be a  
3 consideration in lieu of an 8 foot fence?

4                   MR. FEIHEL: I can present it to the  
5 homeowner of course.

6                   The side yard immediately between the  
7 house and the property line is rather tight, so  
8 planting rather large shrubs goes to the house  
9 which I am not a personal fan of, but I can  
10 propose it to the homeowner, yes.

11                  CHAIRMAN TRUNCALE: I don't really have  
12 a problem with the lattice to be honest with  
13 you.

14                  MEMBER HANSON: I do. Then I will put  
15 a 3 foot lattice on mine, and everyone else  
16 will. And I have a yard behind me that's a  
17 disaster.

18                  CHAIRMAN TRUNCALE: Alright, let's see,  
19 anybody in the public?

20                  Yes, sir. Please step up, state your  
21 name and address for the record.

22                  MR. SNYDER: Good evening, everyone.  
23 My name is Rich Snyder, I reside at 45 Hart  
24 Street, I am along that border wall that you  
25 guys made mention to.

1                   CHAIRMAN TRUNCALE: So you are a  
2                   resident of Lynbrook?

3                   MR. SNYDER: I am a resident of  
4                   Lynbrook, as well as my colleagues over here,  
5                   we all reside on Hart Street, almost directly  
6                   behind the property. I am one house off to the  
7                   side.

8                   I have several issues with this, only  
9                   because now I see I got a second letter that  
10                  they want to put a second kitchen in upstairs.  
11                  I am wondering, are they looking to make it a  
12                  two-family house?

13                  CHAIRMAN TRUNCALE: Where did that --

14                  MR. SNYDER: I have a paper. It's not  
15                  on the docket tonight, but it's on for next  
16                  week.

17                  MS. SCHNAARS: Can I step in? So the  
18                  applicant is coming next week before the Board  
19                  of Trustees for a special use application to  
20                  install a second kitchen for a mother/daughter.  
21                  That is not being heard before the Zoning  
22                  Board, as that is a special use permit  
23                  requirement, not a variance.

24                  MR. SNYDER: Our issue is with the  
25                  amount of noise that comes from the house. The

1 owners of the house have a band that they  
2 regularly practice in their garage to the point  
3 where I cannot have a conversation like this if  
4 they are playing.

5 You were suggesting maybe trees, I am  
6 looking into a \$5,000 investment on my property  
7 to put up hedges that would grow to help block  
8 out the view and hopefully tone down some of  
9 the noise. I don't know why I should have to  
10 do that.

11 They are looking to use the property  
12 differently, and they are using the property  
13 differently.

14 I have spoken with the homeowner to no  
15 avail.

16 At the time I had called -- I was told  
17 to call Lynbrook Police Department, they told  
18 me that they couldn't respond to Malverne.

19 CHAIRMAN TRUNCALE: You have to call  
20 Malverne.

21 MR. SNYDER: I called Malverne and they  
22 said they couldn't take a complaint from me  
23 because I am not a Village resident.

24 This young lady when I spoke to her  
25 yesterday had given me an e-mail address, and



1           had I documented the calls that were made I  
2           could have used those as a complaint tonight.  
3           But right now I stand here before you with no  
4           proof of anything other than my neighbors who  
5           hear that music as well and have similar  
6           objections.

7                       MEMBER TULLEY: Do you pay Malverne  
8           taxes or Lynbrook taxes?

9                       MR. SNYDER: We pay Malverne school  
10          taxes where we are.

11                      MEMBER HANSON: Hart Street is  
12          Lynbrook.

13                      MR. SNYDER: I don't know how we  
14          protect ourselves from the noise and the  
15          possible additional noise that goes on from  
16          additional people living there.

17                      CHAIRMAN TRUNCALE: Okay, as far as the  
18          use as a mother/daughter, we don't have any  
19          jurisdiction over that.

20                      MR. SNYDER: I understand that.

21                      CHAIRMAN TRUNCALE: That's a Board of  
22          Trustees issue.

23                      The noise with regards to the garage  
24          band, again, while I am sympathetic --

25                      MR. SNYDER: May not be the forum.

1                   CHAIRMAN TRUNCALE: Don't know what I  
2                   can do.

3                   MR. SNYDER: My forgiveness for  
4                   venting.

5                   CHAIRMAN TRUNCALE: I understand your  
6                   frustrations.

7                   Part of what they are asking for with  
8                   regard to the variances being sought, to be  
9                   truthful here, are in line with previous  
10                  variances that we've granted. They are not  
11                  very large variances, they are di minimis in  
12                  nature for the most part.

13                  It's already nonconforming with regard  
14                  to the setback, correct?

15                  MEMBER TULLEY: And it's not going to  
16                  affect the sound of the band playing in the  
17                  garage, sorry to say.

18                  Do you have an objection to the fence?

19                  CHAIRMAN TRUNCALE: The fence is not an  
20                  issue for you, is it?

21                  MR. SNYDER: The fence is not an issue.  
22                  No, I don't care about the fence. I can see  
23                  the fence, I don't -- I personally hate white  
24                  vinyl fences, but that's just a personal touch.  
25                  As it is now I have five different fences that

1 touch my yard alone, I can't put up my own  
2 fence without losing more of my yard.

3 CHAIRMAN TRUNCALE: Okay. Thank you.

4 MEMBER TULLEY: Thank you.

5 CHAIRMAN TRUNCALE: Anybody else in the  
6 public that wishes to be heard?

7 MEMBER HANSON: I just want to bring  
8 up, it does say on the building permit with  
9 additional second kitchen.

10 MR. SANTORA: Yeah, that's a denial  
11 letter for both the Zoning and the Special Use  
12 Board.

13 CHAIRMAN TRUNCALE: Yeah, but it's not  
14 for us. That goes to the BOT.

15 MR. SANTORA: I put it all in the same  
16 letter.

17 CHAIRMAN TRUNCALE: Go ahead, sir.

18 MR. MATTSON: My name is Arthur  
19 Mattson, I live at 28 Hart Street in Lynbrook.

20 I am further away from that garage band  
21 than Rich is, and yet retirees like me who are  
22 there in the summertime, it's a plague to have  
23 that there. And others who work at home, as  
24 the young lady that left a little while ago,  
25 hear this pounding that is just unbelievable.

1                   I realize it has nothing to do with  
2                   you. I just feel like I have to vent about it.  
3                   I wish that this was a decision that was kind  
4                   of on the fence, not the allegorical fence, not  
5                   the literal fence, as to whether you would  
6                   approve or not and try to dissuade you from  
7                   approving it, but I realize it's not your  
8                   issue.

9                   But, you know, also as a Malverne  
10                  School District resident whose kids have gone  
11                  through the school district, who joined the CYO  
12                  of Malverne, and have a lot of affection for  
13                  Malverne, it just is a frustrating thing to  
14                  have the police departments on both sides  
15                  unable to help us, and I am not sure what we  
16                  are supposed to do.

17                  So I just wanted to make my case, even  
18                  though the wrong court, I know at least I get  
19                  to make my case.

20                  Thank you.

21                  CHAIRMAN TRUNCALE: So what I can say  
22                  to you is this, we can certainly take the  
23                  information you have given us tonight as far as  
24                  the noise control and, again, refer it through  
25                  the proper channels, to our Police Department

1 to see if we can get some tread there, and see  
2 if they can talk to the homeowners with regard  
3 to the noise complaints, and encourage you to,  
4 again, to reach out to the Police Department at  
5 times when there is an issue and we will see if  
6 we can get some attention to that issue.

7 Go ahead.

8 MS. SCHNAARS: I have been working with  
9 the Police Department after the gentleman came  
10 in yesterday, the first we heard of the  
11 complaint, and I reached out to P.D. to make  
12 them aware of it. And I explained to the  
13 gentleman that if he calls the non emergency  
14 number to the Police Department referring to  
15 the conversation that he had with me when it is  
16 happening, P.D. can attempt to address it at  
17 that time.

18 CHAIRMAN TRUNCALE: Yeah, I can't  
19 imagine that on your side of the wall that you  
20 are hearing music and that there is nobody in  
21 Malverne that's being disrupted by it, There's  
22 got to be.

23 MR. SNYDER: My neighbor directly  
24 behind me is 90 years old and he turns his  
25 hearing aid off.

1                   MEMBER HANSON: Are they playing past  
2                   10 o'clock at night?

3                   MR. SNYDER: The first time I was able  
4                   to catch hold of Mr. Gaffney, it was my fourth  
5                   attempt at getting him. By the time I got  
6                   around the block, he closed his garage and  
7                   gone. And the first time that I did catch him  
8                   was in the middle of an afternoon, it was a  
9                   Thursday, and his response to me was, well, we  
10                  usually play on Thursday nights, so why haven't  
11                  you complained? Happened to be my bowling  
12                  night, so I never heard it before. I didn't  
13                  ask him to stop playing, I just asked him to  
14                  turn the music down, and he hasn't done that.

15                 CHAIRMAN TRUNCALE: Okay.

16                 MR. SNYDER: I consider it a bit  
17                 obnoxious. And I am from the era of rock and  
18                 roll, as I'm sure a few of you are too.

19                 MR. MATTSON: I'm just hoping that a  
20                 two family wouldn't have any repercussion with  
21                 this that would encourage them to play more in  
22                 the garage rather than the basement, because he  
23                 got another family upstairs that's going to  
24                 scream at him that he is playing in the house.

25                 CHAIRMAN TRUNCALE: It's another band.

1 I am joking.

2 MR. MATTSON: I thought of that too.

3 CHAIRMAN TRUNCALE: I am joking.

4 So we will take your information, as  
5 you've heard Mary Kate, who is very good at  
6 what she does.

7 MR. SNYDER: She was very helpful  
8 yesterday.

9 CHAIRMAN TRUNCALE: And she's extremely  
10 helpful and now on the radar.

11 As far as the variances go, the things  
12 you are talking about have nothing to do with  
13 that.

14 MR. SNYDER: Have nothing to do with  
15 it.

16 CHAIRMAN TRUNCALE: But I'm glad that  
17 you feel you were able to come out and say  
18 something.

19 MR. SNYDER: Had to say something  
20 someplace.

21 CHAIRMAN TRUNCALE: Yeah, absolutely.

22 MR. MATTSON: Thanks for giving us a  
23 hearing.

24 CHAIRMAN TRUNCALE: Thank you.

25 MR. SNYDER: Appreciate your time.

1 Safe home, everyone. Good night.

2 CHAIRMAN TRUNCALE: Appreciate that.

3 So I know it's not an application  
4 before us tonight, but the mother/daughter  
5 that's being intended here, is it for rental  
6 purposes?

7 MR. FEIHEL: No.

8 CHAIRMAN TRUNCALE: Or family?

9 MR. FEIHEL: It's family. It's not a  
10 direct mother/daughter, it's technically her  
11 aunt that lived with her mother who passed  
12 away. She lived, I believe, in Rockville  
13 Centre, her mother passed away, her aunt has  
14 nowhere else to go and is moving in with them.

15 CHAIRMAN TRUNCALE: Okay.

16 Anybody on the Board have any further  
17 questions?

18 MEMBER SALOGUB: I have a question. So  
19 when the aunt --

20 CHAIRMAN TRUNCALE: This is going to be  
21 something -- this is something that I'm sure  
22 the Board of Trustees are going to address and  
23 put all sorts of covenants and restrictions  
24 upon it, inspection rights on the part of the  
25 Building Department to make sure that it's not



1           a rental and all of those kind of things.  
2           Because the special permit intended there is  
3           not for rental purposes and I think it's  
4           restricted to family members.

5                   MEMBER SALOGUB:   So would they have to  
6           take it out?

7                   CHAIRMAN TRUNCALE:   Well, I think  
8           that's what the covenant would be.

9                   MS. SCHNAARS:   Generally speaking, when  
10          the Board of Trustees does grant a special use  
11          permit, it is not transferable to a new owner,  
12          that if the house is being sold the kitchen  
13          must be removed, and if the new owners would  
14          like to have that second kitchen  
15          mother/daughter setup, they have to come back  
16          to the Board, get their own special use permit.  
17          They are subject to annual inspections, they  
18          have to file affidavits that everyone lives in  
19          the house, has to have it notarized, ages, all  
20          different types of documentation.   A  
21          restrictive covenant is filed with the County,  
22          which is pulled if someone is trying to sell  
23          the house, that gets pulled like a deed, and so  
24          it's on the record in that way as well.

25                   MEMBER HANSON:   I think what Michelle

1 is asking, which I'm asking also, suppose the  
2 aunt dies?

3 CHAIRMAN TRUNCALE: That's what she's  
4 saying is that the use dies.

5 MS. SCHNAARS: That changes the  
6 approval of the special use, and that would  
7 have to be removed. So if they would come in  
8 and say you have to fill out your affidavit who  
9 are the three people living in the home, and  
10 they say, well, she's no longer with us, then  
11 we say you have to take the kitchen out.

12 CHAIRMAN TRUNCALE: It's an annual  
13 inspection.

14 MS. SCHNAARS: It's usually annual  
15 inspections, there's \$100 fee set for it, or  
16 whatever fee is set by the Board.

17 CHAIRMAN TRUNCALE: Okay.

18 MS. SCHNAARS: If it is approved by the  
19 Board of Trustees, that's usually how they go.

20 CHAIRMAN TRUNCALE: With that, turning  
21 to the merits of the application before us, is  
22 there anybody that would like to make a motion?

23 MEMBER HANSON: I object to having the  
24 fence.

25 CHAIRMAN TRUNCALE: Okay.

1                   MEMBER TULLEY: I'd rather bring it  
2 down to 5 feet too.

3                   CHAIRMAN TRUNCALE: Okay.

4                   MEMBER MAWHIRTER: Yeah, I'd rather  
5 bring it to what we put in the past, or look at  
6 an alternate, perhaps hedges.

7                   CHAIRMAN TRUNCALE: I mean I  
8 personally, if you are going to go that route,  
9 we allow 5 feet, is that what we allow?

10                  MEMBER HANSON: Yeah.

11                  CHAIRMAN TRUNCALE: I am okay with  
12 6 feet.

13                  MEMBER HANSON: We've granted 6 feet.

14                  MR. SANTORA: Yes, you have.

15                  CHAIRMAN TRUNCALE: Can they bring that  
16 lattice down?

17                  MR. FEIHEL: Technically, yes, it's not  
18 going to be effective in blocking the view of  
19 the neighboring yard.

20                  CHAIRMAN TRUNCALE: That's a rock and  
21 roll band. I think they will know this, "You  
22 Can't Always Get What You Want, You Try  
23 Sometimes".

24                  MEMBER TULLEY: And that's why he has a  
25 day job.

1 CHAIRMAN TRUNCALE: Watch it, Jack.

2 "Hit The Road, Jack".

3 Anyway, so I think if I am hearing the  
4 Board correctly, we are inclined to grant the  
5 relief requested partially on the fence, but  
6 everything else is a go, correct?

7 MEMBER TULLEY: Yes.

8 MEMBER HANSON: Yeah.

9 CHAIRMAN TRUNCALE: I am okay with  
10 6 feet.

11 MEMBER SALOGUB: Yeah, I am okay with  
12 6.

13 MEMBER HANSON: I am okay with 6, we've  
14 given it before.

15 CHAIRMAN TRUNCALE: Is there a motion  
16 to grant the application with the caveat that  
17 the fence be reduced to 6 feet?

18 MEMBER HANSON: Motion.

19 CHAIRMAN TRUNCALE: Second?

20 MR. SANTORA: I have a question or a  
21 clarification, do you care whether it's solid 6  
22 feet or the top is lattice?

23 CHAIRMAN TRUNCALE: We've given 6 feet,  
24 I don't care if it's lattice or not. If making  
25 it opaque makes it a little better for them,

1           that's fine.

2                   MR. FEIHEL:   Hedges do not fall under?

3                   CHAIRMAN TRUNCALE:   No.

4                   So is there a motion?

5                   MEMBER HANSON:   Motion.

6                   CHAIRMAN TRUNCALE:   Second?

7                   MEMBER MAWHIRTER:   I'll second it.

8                   CHAIRMAN TRUNCALE:   All those in favor?

9                   (Chorus of ayes.)

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1                   CHAIRMAN TRUNCALE: Next application,  
2                   44 Waggon, LLC, 44 Waggon Avenue, Residential "C"  
3                   District, Building Permit Application  
4                   2025-0349.

5                   Please state your name and address for  
6                   the record.

7                   MR. FEIHEL: Nicholas Feihel, 58  
8                   Lexington Avenue, Malverne, representing  
9                   Christopher Vitale, owner of 44 Waggon Avenue and  
10                  44 Waggon Avenue LLC.

11                  CHAIRMAN TRUNCALE: Please present your  
12                  case, sir.

13                  MR. FEIHEL: We are proposing a second  
14                  story addition interior alteration to the  
15                  existing dwelling that exceeds the maximum  
16                  number of allowed stories and overall height.  
17                  This is a "C" Residence, which allows for a  
18                  maximum of 18 feet and one-and-a-half stories.  
19                  We are proposing a two-story dwelling with a  
20                  maximum height of 28.625 feet. We feel that  
21                  fitting within the allowable height is  
22                  functionally obsolete, a full second floor  
23                  would be severely limited to stay under the 18  
24                  foot maximum, there are other examples of  
25                  height variances.

1                   CHAIRMAN TRUNCALE: That have been  
2 granted in the past?

3                   MR. FEIHEL: In the "C" Residence.

4                   MEMBER TULLEY: On that street also?

5                   MR. FEIHEL: On Waggon, yes.

6                   And the height that we are proposing  
7 stays within the maximum allowable of adjacent  
8 residential districts of 30 feet, actually  
9 approximately a foot and a half under that  
10 maximum.

11                  CHAIRMAN TRUNCALE: Is there anybody in  
12 the public that wishes to be heard?

13                  (Whereupon, there was no response.)

14                  CHAIRMAN TRUNCALE: Questions from the  
15 Board?

16                  MEMBER TULLEY: No.

17                  MEMBER HANSON: No.

18                  CHAIRMAN TRUNCALE: That's a strange  
19 zoning thing there, right?

20                  MEMBER HANSON: Yeah, it is.

21                  Why are there two back entrances from  
22 the house? I am trying to figure this out.

23                  MR. FEIHEL: One is from the driveway  
24 into a mudroom, that's the one closer to the  
25 north side if you are looking at the rear

1 elevation is to the right, the center is from  
2 the dining room, kitchen, living area directly  
3 to the yard. The entrance into the mudroom is  
4 around the back because it is a shared  
5 driveway, the side yard is 10.3 feet, the  
6 existing stoop already cuts off a good portion  
7 of that and you can't park.

8 CHAIRMAN TRUNCALE: Is there anybody  
9 who wishes to make a motion here?

10 MEMBER TULLEY: I'll make a motion to  
11 accept the variances as presented.

12 CHAIRMAN TRUNCALE: Is there a second?

13 MEMBER SALOGUB: Second.

14 CHAIRMAN TRUNCALE: Michelle.

15 All those in favor?

16 (Chorus of ayes.)

17 MR. FEIHEL: Thank you very much.

18 CHAIRMAN TRUNCALE: Thank you.

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1                   CHAIRMAN TRUNCALE: The next  
2                   application is Luis Gonzalez, 380 Ocean Avenue,  
3                   Residential "A" District.

4                   Please state your name and address and  
5                   present your application.

6                   MR. GONZALEZ: Luis Gonzalez, 380 Ocean  
7                   Avenue, Malverne, New York 11565.

8                   Basically filing a variance to have a  
9                   12 by 16 cabana in my backyard, it's going to  
10                  be 2 feet away from the property line. I know  
11                  Malverne's policy is to have it 4 feet, so I am  
12                  proposing to have it 2 feet away from the fence  
13                  in my backyard.

14                 And also I am proposing 2 foot  
15                 retaining wall with my fence on top of the wall  
16                 in my backyard, only because directly behind my  
17                 backyard is the new field that they just built,  
18                 and I have the parking lot right behind my  
19                 yard, and basically you can see directly,  
20                 everyone can just look into my backyard. And I  
21                 am just trying to have more privacy so my kids  
22                 can enjoy and feel more safe in the home.

23                 MEMBER HANSON: So how tall is the  
24                 fence?

25                 MR. GONZALEZ: The fence is 6 feet.

1                   MEMBER HANSON: So 6 feet. And you are  
2                   putting on top of how big a wall?

3                   MR. GONZALEZ: A 2 foot wall.

4                   MEMBER HANSON: There goes 8 feet  
5                   again.

6                   MR. GONZALEZ: Yeah, 8 feet.

7                   MEMBER HANSON: Just like the last  
8                   person.

9                   MR. GONZALEZ: Yeah, 8 feet.

10                  MEMBER HANSON: I totally object to  
11                  that. You could put bushes back there so you  
12                  don't see.

13                  MR. GONZALEZ: On my plan I am not  
14                  going to have bushes because I am going to have  
15                  pavers and 2 feet worth of gravel all around  
16                  and it's not going to be big enough for the  
17                  trees.

18                  And also I don't know who is going to  
19                  be behind there through the middle of the  
20                  night, and it's just going to feel a little  
21                  insecure for my family, and the fact that you  
22                  can just see right through there and just have  
23                  strangers and random people looking into my  
24                  backyard, it's a little uncomfortable.

25                  MEMBER HANSON: But when you bought

1           there Whelen Field was there, and now it's  
2           nicer.

3                   MR. GONZALEZ:   For sure, I agree, it's  
4           beautiful.

5                   MEMBER HANSON:   You used to look out at  
6           a dump.

7                   MR. GONZALEZ:   Yeah, I know.  
8           Definitely I used to look at the trees and  
9           stuff, but I don't want to be looking at  
10          strangers and I don't want strangers looking at  
11          us.

12                   MEMBER TULLEY:   Isn't your property a  
13          little above the parking?

14                   MR. GONZALEZ:   Excuse me?

15                   MEMBER TULLEY:   Is your property a  
16          little raised back there?

17                   MR. GONZALEZ:   No, my property is  
18          actually --

19                   MR. SANTORA:   Let me clarify that.

20                           Correct me if I am wrong, Mr. Gonzalez,  
21          the grade where his house is in the front of  
22          the property is about 2 feet higher than the  
23          level of the parking lot, so his house, when he  
24          is in his house he is kind of looking down into  
25          Whelen Field, and there's no more trees to

1 buffer it. I believe there used to be trees  
2 there.

3 MR. GONZALEZ: Yeah, there used to be  
4 trees there.

5 MR. SANTORA: He is coming out now  
6 about, I don't know, 10, 20 feet from the house  
7 with the same level, then he's doing a 2 foot  
8 down and whole backyard is going to be level  
9 with the parking lot, from the certain point  
10 where the pool is going to be located.

11 Mr. Gonzalez has been here already for  
12 variances for his pool and the 6 foot fence in  
13 the first place.

14 MR. GONZALEZ: Yeah, originally when I  
15 first did the backyard. Now that I am doing  
16 the pool, just looking for a little more  
17 privacy. And the fact that they did build the  
18 field and the parking lot right behind my  
19 backyard, just, you know, when it gets crowded  
20 people will be looking more or less and looking  
21 in my yard more or less.

22 MEMBER TULLEY: The majority of people  
23 I know are not taller than 6 feet, so unless  
24 you are up there traipsing over it, you are not  
25 going to be looking into your yard. She's not

1 going to be looking, she's not going to be  
2 looking, most of the people on this Board would  
3 never see into the backyard, that kind of  
4 defeats what you are saying of peeking into  
5 your backyard.

6 MR. GONZALEZ: No, but, you know, you  
7 have strangers and anyone can be back there.

8 MEMBER TULLEY: They could do it with a  
9 8 foot fence too.

10 MR. GONZALEZ: For sure.

11 MEMBER TULLEY: They could.

12 MR. GONZALEZ: They definitely could.  
13 I just want it for more privacy and --

14 MEMBER HANSON: I'd say the hedges are  
15 the biggest privacy.

16 MR. GONZALEZ: Yeah, but the way I am  
17 building it, I can't put hedges there.

18 MEMBER TULLEY: Well, if you have  
19 gravel, there's no way you can't put the gravel  
20 aside?

21 MR. GONZALEZ: 2 foot from the fence  
22 line, you can put a tree there, but --

23 MEMBER TULLEY: You don't put trees,  
24 you put the Arborvitaes, they work very well  
25 within 2 feet along the fence line, as a matter

1 of fact I have seen it done with just 1 foot.

2 MR. GONZALEZ: Yeah, I get it. But to  
3 maintain those type of trees is a lot of water  
4 involved.

5 MEMBER HANSON: Not really.

6 MR. GONZALEZ: I am trying to cut the  
7 cost of the water cost also.

8 MEMBER TULLEY: Anybody else want to  
9 talk?

10 MEMBER SALOGUB: I have to say, I  
11 understand his concerns, I really do.

12 CHAIRMAN TRUNCALE: I do too actually.

13 MEMBER SALOGUB: And, you know, if I  
14 was back there I would want a 12 foot fence.

15 CHAIRMAN TRUNCALE: I don't think we  
16 have to worry about precedent here based upon  
17 the fact that I think his situation is a little  
18 bit unique as opposed to the other, the other  
19 people are abutting another residential  
20 property, this is abutting, you know, a public  
21 park that's going to be at some point I think  
22 heavily trafficked.

23 MEMBER SALOGUB: And when he bought the  
24 house they didn't have a plan to do that  
25 either.

1                   MEMBER HANSON: Yeah, but you still had  
2                   baseball fields and a parking lot.

3                   MEMBER SALOGUB: I just think it's --

4                   CHAIRMAN TRUNCALE: He needs three  
5                   votes.

6                   MR. GONZALEZ: Yeah, there was a  
7                   baseball field prior, but there wasn't a big  
8                   parking lot. Now you can fit 30, 40 cars  
9                   there.

10                  CHAIRMAN TRUNCALE: And the fence is  
11                  there already?

12                  MR. GONZALEZ: My fence is already  
13                  there.

14                  MR. SANTORA: No, not the wall.

15                  CHAIRMAN TRUNCALE: You did not do the  
16                  wall?

17                  MR. GONZALEZ: I did not do anything  
18                  without the permits and the permission of the  
19                  Board.

20                  MEMBER HANSON: Did you have a permit  
21                  for a 6 foot fence?

22                  MR. SANTORA: Yes, he does, he got a  
23                  permit for that.

24                  CHAIRMAN TRUNCALE: Why don't we split  
25                  the difference.

1                   MEMBER SALOGUB: I remember you talking  
2                   about the gravel and you were going to put the  
3                   shrubs there.

4                   What kind of shrub do you plan on  
5                   putting?

6                   MR. GONZALEZ: I wasn't planning to put  
7                   any shrubs there.

8                   CHAIRMAN TRUNCALE: I am not saying  
9                   that the rest of the Board is inclined to do  
10                  this, but what about splitting the difference  
11                  at a 7 foot fence?

12                  MEMBER TULLEY: It's going to be a 6  
13                  foot fence with a 1 foot wall.

14                  CHAIRMAN TRUNCALE: Yeah, a 1 foot  
15                  wall.

16                  MR. SANTORA: Or a 5 foot fence with a  
17                  2 foot wall.

18                  MR. GONZALEZ: 7 foot fence?

19                  CHAIRMAN TRUNCALE: No higher than  
20                  7 feet all inclusive.

21                  MR. GONZALEZ: 7 fence, and put a  
22                  1 foot retaining wall?

23                  CHAIRMAN TRUNCALE: So you are  
24                  proposing 6 feet on top of 2 feet.

25                  MR. GONZALEZ: Correct.



1 CHAIRMAN TRUNCALE: So you could do  
2 5 feet on top of 2 feet.

3 MR. GONZALEZ: 5 feet on top of --

4 MEMBER HANSON: He already has the 6  
5 foot fence.

6 MR. GONZALEZ: Yeah, that's the thing,  
7 I already have a 6 foot fence.

8 CHAIRMAN TRUNCALE: Do a 1 foot wall.

9 MR. GONZALEZ: I could do a 1 foot  
10 wall.

11 CHAIRMAN TRUNCALE: You get an extra  
12 foot.

13 MR. GONZALEZ: Yeah.

14 CHAIRMAN TRUNCALE: Don't make me sing  
15 that song again.

16 MEMBER HANSON: Yeah.

17 MR. GONZALEZ: I get it. I really  
18 wanted the 8 foot because --

19 CHAIRMAN TRUNCALE: I understand what  
20 you want. We are trying to work with you here.

21 I don't think I've got three votes on  
22 the Board to give you exactly what you want, so  
23 we are trying to give you something.

24 MR. GONZALEZ: Yeah, I mean --

25 MEMBER MAWHIRTER: You are putting the

1 fence just along the back property, or are you  
2 coming along the sides with the taller fence?

3 MR. GONZALEZ: I am going on the sides  
4 also. The whole backyard, the left, the right  
5 and the back.

6 MEMBER MAWHIRTER: The entire area.

7 MR. GONZALEZ: Yeah, because also my  
8 next door neighbor on my left-hand side, he has  
9 beat up shed out there and he has a boat, been  
10 there probably for, like, 50 years or  
11 something, and it's just causing a lot of  
12 rodents.

13 CHAIRMAN TRUNCALE: Are you allowed to  
14 store a boat on the property?

15 MEMBER HANSON: In the back.

16 MEMBER TULLEY: Not in the front yard.

17 MR. SANTORA: It's been there for I  
18 don't know how long. Maybe I saw it in person  
19 once thousands of years ago. You are allowed  
20 to store a boat on your property, it has to be  
21 a certain -- under a certain size, I've never  
22 measured that boat, I know it's an eye sore  
23 obviously, but I don't know how big it is. And  
24 how long it's been there, no idea.

25 CHAIRMAN TRUNCALE: Looks big.

1                   MR. GONZALEZ: Yeah, and then the shed  
2                   is all broken down and I am just trying to  
3                   avoid staring at it, especially now I'm  
4                   spending a lot of money in my backyard and I'm  
5                   making it nice, I don't really want to look at  
6                   that.

7                   MEMBER HANSON: So is that fence across  
8                   the front too?

9                   CHAIRMAN TRUNCALE: How big is the  
10                  fence across the front?

11                  MR. SANTORA: What is going to happen  
12                  if you are on the outside of the fence, I will  
13                  explain it to you architecturally because the  
14                  drawings don't show it clearly.

15                  MEMBER HANSON: No, they don't.

16                  MR. SANTORA: If you are in Whelen  
17                  Field, you are looking at it, what he's  
18                  proposing, you will see a 2 foot high wall, and  
19                  what I hope is if they do approve any type of  
20                  wall, you will finish the outside of it, it  
21                  could be, you know, stucco or something, then  
22                  you'd have a 6 foot fence.

23                  On his neighbor's, the back of the  
24                  property remember is 2 feet lower than where  
25                  his house is, the property slowly grades down.

1 His neighbors will see -- if you are his right  
2 neighbor, his neighbors will see at the rear of  
3 the property a 2 foot wall and a 6 foot fence  
4 if that's what he wants, and as the grade goes  
5 back the wall is just going to disappear and  
6 you'll just see the 6 foot fence as he's  
7 originally approved.

8 CHAIRMAN TRUNCALE: Okay.

9 MR. SANTORA: On his side where he  
10 literally dug a pool, you know, a pool, dug the  
11 whole backyard out, that's all level from  
12 50 feet back, the last 50 feet of the property  
13 or something like that.

14 MR. GONZALEZ: Yeah, 40, 50 feet more  
15 or less.

16 MR. SANTORA: You will see the 8 feet  
17 from Whelen side, and the neighbors, who I  
18 guess are not here to comment on, you will see  
19 in the back corner.

20 In the front of his house you won't  
21 even see it, you will see a 6 foot fence, which  
22 he already has approved.

23 MEMBER TULLEY: I will go along to 7  
24 like you said.

25 CHAIRMAN TRUNCALE: Michelle, what do

1           you think?

2                   MEMBER SALOGUB: I just want to clarify  
3           how much fence we are talking about. So one  
4           along the back, how far up on each side does he  
5           want to go?

6                   CHAIRMAN TRUNCALE: Lou just explained  
7           it.

8                   MEMBER SALOGUB: Where is it going to  
9           start?

10                  MR. SANTORA: I will show you right  
11           now. Right there. This is all level, and then  
12           you got a 2 foot retaining wall, this is like a  
13           hole, 2 feet lower than this, so from here to  
14           here to here.

15                  MEMBER SALOGUB: Okay, so we are not  
16           going all the way there.

17                  MR. SANTORA: It will only be 8 feet  
18           here, going to go from 8 and gradually, because  
19           the grade of the neighbor is going up to 6  
20           there.

21                  MEMBER MAWHIRTER: 6 foot with the  
22           wall?

23                  MR. SANTORA: Correct.

24                  MEMBER HANSON: I don't know why he  
25           can't put bushes.

1                   CHAIRMAN TRUNCALE: Lou, you are saying  
2                   that the wall, whatever wall he does put that  
3                   faces the field should have some sort of nice  
4                   finish on it?

5                   MR. SANTORA: Yes, of course.

6                   MR. GONZALEZ: That's stucco, that's  
7                   easily done with stucco.

8                   CHAIRMAN TRUNCALE: Something easily  
9                   spray painted for graffiti.

10                  MR. GONZALEZ: Yeah, could do something  
11                  like that, with Whelen Field or something.

12                  MR. SANTORA: Mind you, the previous  
13                  conversation we had about plantings on our side  
14                  of the fence, the Village's side of the fence  
15                  too, I don't know when that's going to happen,  
16                  but if you want to do your own plantings on our  
17                  side of the fence I would further discuss that,  
18                  and I don't think the Village would have a  
19                  problem with it.

20                  MR. GONZALEZ: Yeah, I thought about  
21                  that, but I don't know if they have irrigation  
22                  there, and if I am going to donate I'd rather  
23                  donate to my own home to be honest with you.

24                  MEMBER HANSON: Put it on your side the  
25                  bushes.

1                   MR. GONZALEZ: But I mean, listen, I'll  
2 work with whatever.

3                   CHAIRMAN TRUNCALE: What is everybody  
4 thinking here?

5                   MEMBER SALOGUB: I am in favor of what  
6 he wants.

7                   CHAIRMAN TRUNCALE: What about you?

8                   MEMBER MAWHIRTER: I think I am  
9 inclined to vote for it.

10                  MEMBER HANSON: I'm not voting for it.

11                  MEMBER TULLEY: I'm not voting for it.

12                  MEMBER MAWHIRTER: With one  
13 clarification, again, this wouldn't be a  
14 precedence setting?

15                  CHAIRMAN TRUNCALE: I don't think so.  
16 My feeling is, counsel, that based upon the  
17 uniqueness of his situation abutting a public  
18 ball field and park and all, that I could  
19 easily and feel confident that I would be able  
20 to distinguish this from other people seeking  
21 to do an 8 foot fence or an 8 foot high  
22 structure.

23                  MR. WALSH: Plus you have the contour  
24 of the slope, which for the neighbor's purposes  
25 they are not going to get the impact.

1                   CHAIRMAN TRUNCALE: I don't think this  
2                   sets precedential value, do you?

3                   MR. WALSH: No, because you are not  
4                   going to find this anywhere else, and if you  
5                   do, then you grant it.

6                   CHAIRMAN TRUNCALE: So why don't we do  
7                   this --

8                   MR. SANTORA: Can I add something to  
9                   the Board? I know for a fact, and it's been  
10                  there forever, that some of the people that  
11                  back the Southern State Parkway have 8 foot  
12                  high stockade fences.

13                  MEMBER SALOGUB: That's the Town of  
14                  Hempstead.

15                  MEMBER HANSON: Yeah, the Town of  
16                  Hempstead.

17                  MR. SANTORA: No, the Village of  
18                  Malverne.

19                  CHAIRMAN TRUNCALE: Michelle, would you  
20                  like to make a motion?

21                  MEMBER SALOGUB: I would like to make a  
22                  motion to accept the -- what the man is  
23                  requesting for the variance and keep the fence  
24                  at 8 feet due to special circumstances.

25                  CHAIRMAN TRUNCALE: Is there a second?



1 MEMBER MAWHIRTER: I'll second that.

2 CHAIRMAN TRUNCALE: Okay, so we'll poll  
3 the Board.

4 MEMBER HANSON: I am not, I'm against  
5 it.

6 MEMBER TULLEY: No.

7 MEMBER MAWHIRTER: Yes.

8 MEMBER SALOGUB: Yes.

9 CHAIRMAN TRUNCALE: Yes. You got it.

10 MR. SANTORA: I just wanted to clarify,  
11 Kevin, there's two variances he's asking for,  
12 one is lot coverage.

13 CHAIRMAN TRUNCALE: We know.

14 MR. SANTORA: Yes on everything?

15 CHAIRMAN TRUNCALE: It's a yes on  
16 everything.

17 MR. GONZALEZ: Thank you so much. I  
18 appreciate it.

19 I will definitely make sure it looks  
20 very nice, stucco on the other side of the  
21 fence, I mean the concrete barrier, make sure  
22 everything is done well and looks very  
23 appealing to the park.

24 CHAIRMAN TRUNCALE: Work closely with  
25 the Building Department on the finish of the

1 wall.

2 MR. GONZALEZ: Thank you so much.

3 CHAIRMAN TRUNCALE: Thank you.

4 MR. GONZALEZ: Good evening.

5 CHAIRMAN TRUNCALE: Motion to close?

6 MEMBER HANSON: I make a motion.

7 MEMBER TULLEY: Second.

8 CHAIRMAN TRUNCALE: All in favor?

9 (Chorus of ayes.)

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

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

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

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

13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand this 21st day of June, 2025.

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MARY KATE WALDRON

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