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M I N U T E S  
OF THE MEETING  
OF THE  
ZONING BOARD OF APPEALS  
INCORPORATED VILLAGE OF MALVERNE  
October 9, 2025  
7:00 p.m.

P R E S E N T:

BENJAMIN TRUNCALE,	Chairperson
BRUCE MAWHIRTER,	Member
MICHELLE SALOGUB,	Member
NICK FEIHEL,	Member
JACK TULLEY,	Member

ALSO PRESENT:

MATTHEW WHITE, ESQ. Village Attorney  
LOUIS J. SANTORA, Superintendent of Building Department  
MARY KATE SCHNAARS, Secretary to the Board

- 10/9/25 - TAHIR KHAN - 82 WICKS LANE -

1           CHAIRPERSON TRUNCALE: Please stand for  
2 the Pledge of Allegiance.

3                   (Pledge of Allegiance said.)

4           CHAIRPERSON TRUNCALE: Good evening. We  
5 have three matters on the agenda tonight. We  
6 will take them in the order on the Notice.

7           The first matter for consideration this  
8 evening is the application of Tahir Khan, 82  
9 Wicks Lane, who proposes to maintain and  
10 legalize construction of 506 square feet rear  
11 wood deck with steps to grade, and conversion  
12 of 212 square feet rear porch to habitable  
13 conditioned space and proposes to install a 5  
14 foot high solid PVC fencing in front yard on  
15 Cathy Court with one arbor.

16           Please step up and state your name and  
17 address for the record and present your  
18 application.

19           MR. TAHIR KHAN: Tahir Khan, 82 Wicks  
20 Lane, Malverne, New York 11565.

21           CHAIRPERSON TRUNCALE: Okay. Tell us why  
22 you're here, sir. Walk us through your  
23 application.

24           MR. TAHIR KHAN: Thank you everyone. The  
25 application is to legalize and maintain the

- 10/9/25 - TAHIR KHAN - 82 WICKS LANE -

1 property I purchased that had a deck converted  
2 to a sunroom converted to a dining room. It  
3 was purchased as is and I am looking to  
4 maintain that we got up to code and maintain  
5 that.

6 CHAIRPERSON TRUNCALE: How did this come  
7 to your attention?

8 MR. TAHIR KHAN: So, I had repair work  
9 done, new windows to be put on the house and  
10 needed more work. Obviously there was damage  
11 to the structure for which the Building  
12 Department was involved in and I realized when  
13 it was done, there was no permit on it.

14 CHAIRPERSON TRUNCALE: How long has that  
15 deck been out there?

16 MR. TAHIR KHAN: I have surveys done in  
17 early 1970. 1972 shows the deck was there.

18 CHAIRPERSON TRUNCALE: The porch, how long  
19 is that been like that?

20 MR. TAHIR KHAN: The porch is always --  
21 the front porch?

22 CHAIRPERSON TRUNCALE: No, the rear porch  
23 you're looking to enclose. It is enclosed?

24 MR. TAHIR KHAN: It was a sunroom. It was  
25 already enclosed converted into a dining room.

- 10/9/25 - TAHIR KHAN - 82 WICKS LANE -

1 It has electricity going into it.

2 CHAIRPERSON TRUNCALE: The fence, you're  
3 looking to do a five foot fence. This is a  
4 corner lot?

5 MR. TAHIR KHAN: It is a corner lot. Five  
6 foot picket, it will not extend beyond my  
7 property line.

8 CHAIRPERSON TRUNCALE: I will open it up  
9 to my fellow Board Members for questions.  
10 Anybody? Any questions?

11 MEMBER FEIHEL: Is there a fence running  
12 along Cathy Court?

13 MR. TAHIR KHAN: It is all arborvitaes.

14 MEMBER FEIHEL: It is a fence connected  
15 to?

16 MR. TAHIR KHAN: It is not a fence, but it  
17 is arborvitae plants growing on all three  
18 sides, a natural fence. I have a gate on the  
19 garage side which I do have a permit for.  
20 That's a swing open gate. I wanted to put a  
21 PVC gate on the other side with arbor. Five  
22 foot picket.

23 MEMBER FEIHEL: Okay.

24 CHAIRPERSON TRUNCALE: Anybody else on the  
25 Board have questions?

- 10/9/25 - TAHIR KHAN - 82 WICKS LANE -

1           MEMBER SALOGUB: Where is the fence going  
2 to go, in front or behind the arborvitaes?

3           MR. TAHIR KHAN: It is going to parallel  
4 to the house.

5           CHAIRPERSON TRUNCALE: Which side of the  
6 fence are the arborvitaes going to be on?

7           MEMBER FEIHEL: It is perpendicular.

8           CHAIRPERSON TRUNCALE: It is natural into  
9 a PVC.

10          MR. TAHIR KHAN: Yes. Any other  
11 questions?

12          MEMBER FEIHEL: You said the deck has been  
13 there since the 70's?

14          MR. TAHIR KHAN: When I purchased the  
15 house, the deck was already there. It was in  
16 poor condition. There was trees growing  
17 through various parts of it. When I pulled  
18 some old surveys that were done when I first  
19 started it, I see it. The earlier house was  
20 constructed in 1952. It was not on the  
21 original survey but the last survey done in  
22 1972, it was a, deck was there.

23          MEMBER FEIHEL: Okay.

24          MR. TAHIR KHAN: I don't think it was  
25 maintained since then until I got involved and

- 10/9/25 - TAHIR KHAN - 82 WICKS LANE -

1 I tried to repair.

2 CHAIRPERSON TRUNCALE: Anybody else have  
3 any questions? Anybody in the public?

4 Anyone wish to be heard on this  
5 application? Mary Kate, all the mailings were  
6 done in accordance with the code requirements?

7 MS. MARY KATE SCHNAARS: Yes.

8 CHAIRPERSON TRUNCALE: Make a motion  
9 anybody here?

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

12 CHAIRPERSON TRUNCALE: Is there a second?

13 MEMBER MAWHIRTER: I'll second it.

14 CHAIRPERSON TRUNCALE: All in favor?

15 (Chorus of Ayes.)

16 CHAIRPERSON TRUNCALE: You win.

17 MR. TAHIR KHAN: Thank you so much.

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- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1           CHAIRPERSON TRUNCALE: The next  
2           application for consideration this evening is  
3           application for Ian and Marie Tener, 83 Utterby  
4           Road, proposes to construct second story  
5           addition over existing first floor with second  
6           story deck/balcony.

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

9           MR. CHRIS WRAY: Chris Wray, Architect,  
10          2401 Capri Place, North Bellmore, New York  
11          representing Ian and Marie Tener, 83 Utterby  
12          road. Good evening everyone.

13          My clients wish to put a full second floor  
14          on their home. The existing home is basically  
15          a one and a half story residence with one  
16          bedroom on the second floor and so it's a  
17          little tight and they happen to be expecting a  
18          baby and they're sitting right over there.  
19          They have a growing family here.

20          They need a little more space and this  
21          whole second story is basically over the  
22          footprint of the existing home and not covering  
23          any new ground. In doing so, the first issue  
24          is that we have a rear yard encroachment.  
25          There currently is a one story section in the

- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1 rear of the home that has a flat roof on it  
2 right now that's encroaching into the rear  
3 yard. They want to build over that portion as  
4 well.

5 CHAIRPERSON TRUNCALE: They're staying  
6 within the footprint?

7 MR. CHRIS WRAY: Yes, sir. The required  
8 rear yard is 25 feet. This existing rear yard  
9 is 17.5. That's what we have as proposed. So  
10 continuing that building line up vertically,  
11 not making that rear yard any less than it  
12 currently is. That's issue number one.

13 The second issue is the floor area ratio.  
14 The maximum allowed is 40 percent and the  
15 proposed is 45.2 percent. That happens to be  
16 an area of 351 square feet that they're over.

17 And the last item, there's a piece of  
18 existing flat roof. They would like to make  
19 that a second story deck a little more usable.  
20 I have two pictures I would like to present.

21 CHAIRPERSON TRUNCALE: Isn't there already  
22 an existing flat roof?

23 MR. CHRIS WRAY: Yes, there is. Over the  
24 garage, there's a small flat roof section.

25 MEMBER TULLEY: It has a door there.



- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1 MR. CHRIS WRAY: Can I give a picture?

2 MEMBER FEIHEL: Is there access to that,  
3 existing access?

4 MR. CHRIS WRAY: Yes.

5 MEMBER TULLEY: It is tough to see from  
6 the picture.

7 MR. CHRIS WRAY: Yes. I wanted to show  
8 that this is the section over the garage.  
9 There's a flat section that is accessible now.  
10 There's a pit section you can't walk on.  
11 There's a flat section we really can't get  
12 access to, which is, that's the piece they  
13 would like to make it a balcony.

14 Then I have a second picture, an aerial  
15 view just to show. So basically, that the roof  
16 top area is the actual proposed usable part of  
17 this roof top deck which will be further back,  
18 similar area to what they currently have now.

19 I have an aerial photo to show the  
20 effected neighbor to the west of them there's  
21 currently a nice buffer of nice greenery. So,  
22 that should ease any kind of, has some nice  
23 privacy for both residents.

24 CHAIRPERSON TRUNCALE: Okay.

25 MR. CHRIS WRAY: So, that's basically,

- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1           that is my case.

2           CHAIRPERSON TRUNCALE: As you stated for  
3           the record, they're staying in the footprint of  
4           while they're in need of a variance, they're  
5           not exacerbating the setback anymore then it  
6           already exists?

7           MR. CHRIS WRAY: That's correct.

8           CHAIRPERSON TRUNCALE: Anybody have any  
9           questions on the Board at this time?

10          MEMBER SALOGUB: With this balcony, we  
11          have not approved that in other cases because  
12          it's a safety issue, I guess, and I don't know  
13          why they need it there. Maybe they shouldn't  
14          have a balcony. I wouldn't be in favor of  
15          approving it.

16          MR. CHRIS WRAY: It happens to be  
17          something that can be utilized.

18          MEMBER SALOGUB: I understand what it is.  
19          I had one in the past on my house.

20          MR. CHRIS WRAY: It is more of a privacy  
21          issue.

22          MEMBER SALOGUB: It is a safety issue.

23          MR. CHRIS WRAY: There's guardrails that  
24          will have to be to code.

25          MEMBER SALOGUB: Is there a code for that?

- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1 CHAIRPERSON TRUNCALE: Yes.

2 MR. CHRIS WRAY: Of course. Guardrails  
3 need to withstand a certain amount of human  
4 impact. I would think it will be more of a  
5 privacy thing.

6 MEMBER SALOGUB: No, I think it is a  
7 safety issue. I don't know why we denied it in  
8 the past.

9 MR. CHRIS WRAY: Guardrails of today, they  
10 have to withstand a certain amount of force.  
11 Also, a child's head cannot pass through at any  
12 point, so it protects children, as well as  
13 adults and everybody.

14 MEMBER FEIHEL: If the deck was not put  
15 in, it would just be a flat roof?

16 MR. CHRIS WRAY: Yes.

17 MEMBER FEIHEL: It is an existing flat  
18 roof.

19 MR. CHRIS WRAY: Utilizing something that  
20 is already there. It wasn't created.

21 MEMBER FEIHEL: Okay.

22 MR. CHRIS WRAY: To fill that in with more  
23 habitable space, that will push the F.A.R. even  
24 higher. Figure the space they have proposed  
25 for the second floor is reasonable enough for a

- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1           growing family and thought that will be used as  
2           a nice little piece of outdoor space off the  
3           second floor that's kind of already there.

4           CHAIRPERSON TRUNCALE: Anybody else have  
5           any other questions at this time?

6           MEMBER FEIHEL: No.

7           CHAIRPERSON TRUNCALE: Anybody in the  
8           public?

9           Certainly with regards to that F.A.R. it  
10          is within the parameter of things we have done  
11          before. I don't see an issue with that. As to  
12          the setback, again they're staying in the  
13          footprint, not exacerbating it. They currently  
14          have outdoor, kind of a second floor deck  
15          that's existing. I know they're looking to  
16          make the other side of it usable at this point.

17          MEMBER FEIHEL: The argument can be made  
18          at the moment it is more dangerous then it will  
19          be if it is approved.

20          CHAIRPERSON TRUNCALE: I would tend to  
21          agree with you on that particular issue.

22          MEMBER FEIHEL: In this case, it will be  
23          because it is an existing flat roof versus --

24          CHAIRPERSON TRUNCALE: They're not  
25          building it outright.

- 10/9/25 - IAN & MARIE TENER - 83 UTTERBY ROAD -

1 MEMBER MAWHIRTER: I agree.

2 MEMBER TULLEY: I'm fine.

3 CHAIRPERSON TRUNCALE: Michelle, you're a  
4 no on this?

5 MEMBER SALOGUB: Correct.

6 CHAIRPERSON TRUNCALE: Do you want us to  
7 vote on each variance separately or do them in  
8 mass?

9 A motion to approve the requested relief  
10 submitted to the Board?

11 MEMBER FEIHEL: I'll make a motion.

12 CHAIRPERSON TRUNCALE: Second?

13 MEMBER TULLEY: Second.

14 CHAIRPERSON TRUNCALE: All those in favor?

15 MEMBER MAWHIRTER: Aye.

16 MEMBER FEIHEL: Aye.

17 MEMBER TULLEY: Aye.

18 CHAIRPERSON TRUNCALE: All those opposed?

19 MEMBER SALOGUB: Aye.

20 CHAIRPERSON TRUNCALE: Good luck.

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- 10/9/25 - ESTHER GILBERT - 47 YORK STREET -

1           CHAIRPERSON TRUNCALE: Last but not least,  
2           we have one last application, Esther Gilbert,  
3           47 York Street, proposes to install two new  
4           emergency escape and rescue openings with  
5           window wells in front yard and side yard for  
6           finished basement.

7           MS. HELEN BOGDANOS: Good evening  
8           everybody. My name is Helen Bogdanos,  
9           Structural Engineer representing Mrs. Gilbert,  
10          at 47 York Street, Malverne, New York.

11          The scope of the work was to maintain a  
12          finished basement to legalize actually for a  
13          habitable space and a bathroom with new  
14          emergency escape rescue opening with window  
15          wells.

16          The basement was done years ago but not as  
17          a habitable space. So, we went through all the  
18          requirements to make it legal and the problem  
19          is that you need egress windows. Egress  
20          windows trigger the variance.

21          The proposed right side emergency escape  
22          coping window well is proposed to have 1.5 foot  
23          set back from the side property line when  
24          4 feet minimum is required.

25          The proposed front emergency escape open

- 10/9/25 - ESTHER GILBERT - 47 YORK STREET -

1 window well is proposed to have 16 feet setback  
2 from the front property line when it is 25  
3 minimum that's required.

4 So, both windows violate the setbacks as  
5 per the code of the Village, but there's no  
6 other place to put them.

7 CHAIRPERSON TRUNCALE: Okay. And Lou, the  
8 basement at this point meets all other  
9 requirements?

10 MR. LOUIS SANTORA: Yes. They're in the  
11 process of legalizing it for habitable space.  
12 It is part of it.

13 CHAIRPERSON TRUNCALE: We're here for an  
14 issue being raised by virtue of necessity in  
15 order to make this habitable space and make it  
16 safe.

17 MS. HELEN BOGDANOS: No objection from the  
18 neighbors.

19 CHAIRPERSON TRUNCALE: Anybody from the  
20 public wish to be heard?

21 MS. HELEN BOGDANOS: Nobody.

22 CHAIRPERSON TRUNCALE: Anybody have any  
23 questions?

24 MEMBER FEIHEL: Yes. The side yard is my  
25 concern. Side yard setback with emergency

- 10/9/25 - ESTHER GILBERT - 47 YORK STREET -

1 access if required between the subject property  
2 and the neighboring property.

3 MS. HELEN BOGDANOS: Yes.

4 MEMBER FEIHEL: I will be okay with it if  
5 we require the covers to be walkable.

6 MR. LOUIS SANTORA: For firemen.

7 MEMBER FEIHEL: If someone wants to walk  
8 over it.

9 MS. HELEN BOGDANOS: It is about a foot  
10 and a half only left.

11 MEMBER FEIHEL: So, if the cover window  
12 was structural.

13 MS. HELEN BOGDANOS: Always.

14 CHAIRPERSON TRUNCALE: We can make that a  
15 condition.

16 MS. HELEN BOGDANOS: Yes, if you can.

17 CHAIRPERSON TRUNCALE: Anybody else?  
18 Would anybody like to make a motion at this  
19 time?

20 MEMBER FEIHEL: I make the motion to  
21 approve the application as submitted with the  
22 condition that the minimum egress window well  
23 on the side yard is provided with a structural  
24 walkable structure over the window well.

25 MS. HELEN BOGDANOS: Yes.



- 10/9/25 - ESTHER GILBERT - 47 YORK STREET -

1 MEMBER FEIHEL: And removable.

2 MS. HELEN BOGDANOS: Yes. That's a good  
3 point actually.

4 CHAIRPERSON TRUNCALE: Is there a second?

5 MEMBER MAWHIRTER: I'll second.

6 CHAIRPERSON TRUNCALE: All in favor?

7 (Chorus of Ayes.)

8 CHAIRPERSON TRUNCALE: Any opposed? No.

9 CHAIRPERSON TRUNCALE: Motion to close.

10 MEMBER SALOGUB: I'll make a motion.

11 MEMBER TULLEY: Second.

12 CHAIRPERSON TRUNCALE: All in favor?

13 (Chorus of Ayes.)

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

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

I, CATHERINE P. MURPHY, a 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 13th day of October, 2025.

CATHERINE P. MURPHY