M I N U T E S

OF THE MEETING

OF THE

ZONING BOARD OF APPEALS

INCORPORATED VILLAGE OF MALVERNE

October 8, 2026

7:00 p.m.

PRESENT:

BENJAMIN TRUNCALE, JR.,	CHAIRMAN
BRUCE MAWHIRTER,	MEMBER
JOHN TULLEY,	MEMBER
NICHOLAS FEIHEL,	MEMBER

Also Present:

Kevin M. Walsh - Village Attorney

Mary Kate Schnaars - Building Department Clerk

Louis Santora - Building Superintendant

CHAIRMAN TRUNCALE: Everyone please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN TRUNCALE: Good evening, everybody. And welcome to the October 8th meeting of the Zoning Board of the Incorporated Village of Malverne.

We have four applications before us this evening.

Mary Kate, any particular order?

MS. SCHNAARS: The legal notice.

MR. WALSH: Mr. Chairman, would you make an announcement that we don't have a full Board.

CHAIRMAN TRUNCALE: Yeah, just to make the applicants aware, as you might note we only have four members here this evening instead of the regular full Board of five sitting members. What that means in order to carry a favorable vote in favor of your application, you do need three out of the four votes to pass it as opposed to three out of five.

If you are not inclined to move forward we can continue it to another night when we do

have a full sitting Board, but that's your decision to make at this point.

Is everybody okay proceeding with the four members?

(Whereupon, all the applicants responded affirmatively.)

CHAIRMAN TRUNCALE: So the first application for consideration this evening is that of Lev and Galina Sinayev, 236 Rider Avenue, Residential "B" District, it's an HVAC permit, proposing to maintain and legalize the installation of one exterior inverter for ductless split A/C system in front yard.

Please step forward, state your name and address for the record.

MR. SINAYEV: Good evening.

Lev Sinayev, 236 Rider Avenue.

CHAIRMAN TRUNCALE: Okay, tell us what you are looking to do, sir.

MR. SINAYEV: Okay. Good evening.

Before I begin my project presentation I would like to thank the Superintendent Mr. Louis Santora, he patiently responded to my endless questions and he didn't promise me anything, but mentioned that the Board approved

similar application, and he cautiously encouraged me to apply.

CHAIRMAN TRUNCALE: Okay.

MR. SINAYEV: I greatly appreciate his guidance and encouragement.

I would also like to thank Miss Mary Kate Schnaars, she guided me through all steps of the application, supported me both technically and emotionally, and I really appreciate her help.

CHAIRMAN TRUNCALE: She is the best.

MR. SINAYEV: Yeah, I agree.

So the project involves the installation of a small one zone mini split system. The issue concerns the location of the outdoor unit, also called condenser.

I placed it in the front -- in front of the front wall of the house on the porch, and it is largely concealed by the porch balustrades and the bushes in front of the porch. I additionally placed the outdoor love seat right in front of the condenser, which makes it absolutely invisible from the street from any view or angle. Probably you can see it on the pictures.

The difficulty is that the Village code doesn't allow placing condensers in front of the front wall of the house. And according to the code the alternative location of the unit would be the front part of the side wall of the house facing driveway. There it would be much more visible than it currently is.

The second consideration is the safety. Currently it is firmly and safely sits on the floor of the porch. While the location permitted by the code would be the side wall of the house facing driveway, and in my opinion it would be less safe at that place.

Therefore, I respectfully believe that the current location provides a better combination of both safety and aesthetics.

CHAIRMAN TRUNCALE: Okay.

MR. SINAYEV: And for these reasons I respectfully ask the Board to consider granting my variance application.

Thank you very much for your time and attention.

CHAIRMAN TRUNCALE: Okay.

MEMBER TULLEY: Thank you.

CHAIRMAN TRUNCALE: Thank you.

Anybody on the Board have any questions at this time?

MEMBER TULLEY: No.

MEMBER FEIHEL: No.

MEMBER MAWHIRTER: Sir, you mentioned that the screening right now is furniture?

MR. SINAYEV: Yes.

MEMBER MAWHIRTER: And also part of the railing, I guess?

MR. SINAYEV: And the railing and bushes.

CHAIRMAN TRUNCALE: So in looking at it, I mean, you know, the chairs are not a permanent solution. And, generally, when this Board has considered applications like this in the past, we look for a more permanent solution when it comes to screening.

And if this is a recent depiction of how it currently exists, I'm thinking maybe if you filled in those bushes a little bit more so that it -- the chairs are fine, I'm not going to tell you to move the chairs. But if you were to fill in the bushes there above the railing and fill that area in so it would provide a better screening and a more permanent

solution.

MR. SINAYEV: Sorry. I forgot to mention, a few days ago I planted additional bush in the front of the porch.

MEMBER TULLEY: There you go.

CHAIRMAN TRUNCALE: All right, so anybody else on the Board?

MEMBER MAWHIRTER: Is that an evergreen?

MR. SINAYEV: Yes.

MR. WALSH: Maintain the height of the railing or how high?

MR. SINAYEV: You mean bushes?

MR. WALSH: Yeah, how high would they be maintained?

MR. SINAYEV: They would be six to eight feet high.

MR. WALSH: Oh, that high, that's tall. So you are going to sit on the porch with a chair but you are not going to be able to see much. I don't think the Board --

CHAIRMAN TRUNCALE: Doesn't have to be eight feet high. I think it needs to be at railing level.

MEMBER TULLEY: Yes.

CHAIRMAN TRUNCALE: Has to be maintained at a minimum of the railing level, okay, if we decide to approve it.

Is there anybody in the public that wishes to be heard on the application?

(Whereupon, there was no response.)

CHAIRMAN TRUNCALE: So that being said, would anybody like to make a motion to approve the application as submitted, upon the condition that a screening be maintained in perpetuity in the area --

MR. WALSH: Front bed.

CHAIRMAN TRUNCALE: -- the front planting bed directly in front of said condenser, at a minimum height of at least the railing or greater.

Is there a motion?

MEMBER FEIHEL: I'll make a motion.

CHAIRMAN TRUNCALE: Is there a second?

MEMBER MAWHIRTER: I'll second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

MR. SINAYEV: Thank you very much.

CHAIRMAN TRUNCALE: The next application is that of Daniel Caragher, 49 North Cambridge Street, Residential "B" District, HVAC permit application, proposing to install one exterior inverter for ductless split A/C system in front yard.

MR. CARAGHER: Correct.

Dan and Maura Caragher, 49 North Cambridge Street.

CHAIRMAN TRUNCALE: Welcome.

MEMBER MAWHIRTER: Mr. Chairman, if I may, before we start the hearing, I just want to disclose that I was in the radius of one of the people being notified, which will not affect how I view this case.

MR. CARAGHER: Thank you.

MS. CARAGHER: Thank you.

CHAIRMAN TRUNCALE: So if I am looking at your house, you are proposing to put it on the right side behind the existing shrubbery there?

MR. CARAGHER: Correct.

CHAIRMAN TRUNCALE: Not installed yet?

MR. CARAGHER: Nope.

CHAIRMAN TRUNCALE: And it's clearly

not visible from the street if you maintain that shrubbery.

MR. CARAGHER: Which we will, yes.

CHAIRMAN TRUNCALE: Are there any questions?

MEMBER FEIHEL: Can you just clarify, on the survey there seems to be two A/C locations marked out?

MR. CARAGHER: Yes, two exterior inverters being installed, one in front of the house, which requires a variance, the other is going to be in the back left side.

CHAIRMAN TRUNCALE: But not an issue for us.

MEMBER FEIHEL: It's not a side yard issue, Lou?

MR. SANTORA: No.

MEMBER FEIHEL: Sorry. Thank you.

CHAIRMAN TRUNCALE: Are there any other questions?

(Whereupon, there was no response.)

CHAIRMAN TRUNCALE: Anybody in the public?

(Whereupon, there was no response.)

CHAIRMAN TRUNCALE: Would anybody like

to make a motion to approve the application as submitted, subject to maintaining the existing screening in perpetuity in front of it so that it is not visible from the street?

MEMBER TULLEY: I'll make a motion.

CHAIRMAN TRUNCALE: Is there a second?

MEMBER MAWHIRTER: Second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

MEMBER TULLEY: Thank you very much.

MR. CARAGHER: I would also like to thank Mary Kate.

CHAIRMAN TRUNCALE: She is the best.

MS. CARAGHER: She is.

MR. CARAGHER: I would not have gotten through this without her.

MR. SANTORA: You don't need to thank her, you got the approval.

CHAIRMAN TRUNCALE: The next application is that of Michael Dubon, 141 Wright Avenue, Residential "B" District, proposing to construct a new second floor addition over existing one-story area.

Hi. Welcome

MS. CHIANESE: Good evening.

How are you?

CHAIRMAN TRUNCALE: Good. How are you?

MS. CHIANESE: Hanging in there.

Good evening. My name is Ashley Lowe Chianese, C-H-I-A-N-E-S-E, from Mark Anthony Architects. Our office is located at 1563 Bellmore Avenue in Bellmore, New York.

I am here tonight on behalf of our clients Michael and Clair Dubon who are the owners and occupants of the subject property at 141 Wright Avenue. Michael and Clair are here with us tonight.

We are here before you for a proposed second story addition and second floor interior alterations.

This property is 5,800 square feet and is in a Residential "B" zone, where the minimum requirement is 6,000 square feet. Even though

it is minimal, this is a substandard lot.

The proposed addition, along with the existing dwelling has a gross floor area of 52.5 percent, and the maximum gross floor allowable is 40 percent, for which we are requesting relief of 12.5 percent.

I would like to note that the second floor addition is going directly above the first floor. There are no cantilevers or extensions beyond the first floor, it is perfectly in line.

Additionally, I did discuss with the architect, he wanted to mention the garage is also included in the FAR. Typically it would not be, but because there is the second floor going above, it is included, which does add to the overage.

The first floor plan has a half bathroom, existing living room, dining room, kitchen and den. There is also a screened in patio and garage as well.

The proposed second floor addition has three bedrooms, one of which is a master suite with a proposed master bathroom and walk-in closet, and then there is also a main bathroom

on the second floor as well, along with a proposed study and home gym, which will be in the same room.

Mr. and Mrs. Dubon do comply with all other zoning requirements. This is their only variance request for the evening. We do not believe the request is out of character for the neighborhood. The house is within the character of the neighborhood, and is not looking to build anything outrageous, just trying to work with the lot that they have in order to make it work for them. There are two children and they're a growing family.

Based off of records we pulled from the County, we do believe that 160 Wright Avenue, which is within 500 feet, has a similar gross floor area, it is shown that they have a living area of 2,050 square feet, with a lot size of 4,000, which would bring their gross floor area to approximately 51 percent.

I do have the County records if you would like me to submit those.

CHAIRMAN TRUNCALE: What is it that you have?

MS. CHIANESE: The County records for

160 Wright Avenue, which shows their gross floor area, their lot size.

CHAIRMAN TRUNCALE: Okay.

MS. CHIANESE: Do you want a second for everyone to look at that?

CHAIRMAN TRUNCALE: Does anybody have any questions for the applicant at this time?

MEMBER TULLEY: No.

CHAIRMAN TRUNCALE: From the Board? Nick?

MEMBER FEIHEL: No, not at the moment.

CHAIRMAN TRUNCALE: No.

MS. CHIANESE: I just wanted to add one more thing if you don't mind.

CHAIRMAN TRUNCALE: Sure.

MS. CHIANESE: Give me a second to read it.

Mr. and Mrs. Dubon would like to set down roots in the Village of Malverne. Michael did grow up here, he's lived here his entire life. They have a community who they have, you know, grown with, and since the house is going directly above the existing first floor there will be no negative effect to the surrounding environment, the house will be a positive, it

will increase the aesthetics and values of the neighborhood.

I am happy to answer any questions.

CHAIRMAN TRUNCALE: Any questions?

MEMBER TULLEY: No.

CHAIRMAN TRUNCALE: Anybody in the public?

(Whereupon, there was no response.)

CHAIRMAN TRUNCALE: Okay. So it's at 52.5 is what you are seeking?

MS. CHIANESE: Yes.

CHAIRMAN TRUNCALE: Is there anything you could do to bring that number down a little bit?

MS. CHIANESE: Is there a number that the Board would be more comfortable with?

CHAIRMAN TRUNCALE: So in the past we've been inclined to grant the variance up to about 49 percent.

MS. CHIANESE: Can I double check with them?

CHAIRMAN TRUNCALE: Of course.

If you want to step out, you can have a moment to discuss it.

MS. CHIANESE: We kind of discussed it.

It wasn't a total shock. I just wanted to confirm.

CHAIRMAN TRUNCALE: Okay.

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

MS. CHIANESE: We did discuss possibly cutting back the study, I just wanted to confirm.

CHAIRMAN TRUNCALE: So is there a way you can effectuate that?

MS. CHIANESE: Yes. I believe that it would be closer to 49.9.

CHAIRMAN TRUNCALE: We good?

MEMBER FEIHEL: Yes.

CHAIRMAN TRUNCALE: Anybody in the public?

MR. WALSH: So before, can I just make sure, so you are going to amend the application to take off some floor area to reduce the overall floor area with this application of 49.9?

CHAIRMAN TRUNCALE: Yes. And you will submit revised drawings.

MS. CHIANESE: Yes.

Just to be sure though, we don't have

to come back to the Board?

CHAIRMAN TRUNCALE: No.

MS. CHIANESE: As long as it matches 49.9 or less?

CHAIRMAN TRUNCALE: We're good.

MR. SANTORA: That will be on me to make sure.

CHAIRMAN TRUNCALE: So is there a motion to approve the application with the amendment by the applicant to grant a floor area ratio up to 49.9 percent?

MEMBER TULLEY: I will.

CHAIRMAN TRUNCALE: Second?

MEMBER FEIHEL: I'll second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

CHAIRMAN TRUNCALE: Good.

MS. CHIANESE: Thank you.

CHAIRMAN TRUNCALE: You're welcome.

MS. CHIANESE: Have a great night.

MR. SANTORA: Ashley, I have a question, when you come to ARB, is the house going to look significantly different at all? Are you going to have time to change the drawings for the ARB is basically my question?

MS. CHIANESE: Yes.

MR. SANTORA: Okay, you will have time.

MS. CHIANESE: Mary Kate was nice enough -- I'll thank her while I am at it too. Mary Kate was nice enough to let us know that in the event the, you know, 52.5 percent was not approved, that we would have to have the plans in within those two weeks.

So I believe the next hearing --

MR. SANTORA: Just preliminaries.

MS. CHIANESE: -- is the 22nd. Yes, my office will make sure. It's already on the calendar.

All good?

CHAIRMAN TRUNCALE: You are good.

MR. SANTORA: Congratulations!

MS. CHIANESE: Thank you. Have a great night.

MEMBER TULLEY: Good luck.

CHAIRMAN TRUNCALE: And last but definitely not least is the application of Gabriele Casella, 28 Clifford Court, proposing to construct a new two story single family dwelling over finished basement, with full bathroom, front porch and outside basement entrance.

Please state your name and address for the record.

MR. BORGESE: Francesco Borgese, Architect of record for the Casella's.

My clients are current Malverne residents, and they have been for the past 14 years. They have a growing family, two children, and they recently purchased 28 Clifford Court, as they are running out of room, and plan on constructing their two story single family dwelling here.

The lot size is 8,700 square feet, 8,783. We are proposing two stories, single family, and we are seeking approval for 28 percent lot coverage where the maximum is 25 percent, and we are seeking approval for 42 percent FAR, floor area ratio, where the maximum is 40 percent.

We are in compliance with all the setbacks, and we will be in compliance with the overall building height as well.

And we also seek a variance for the outside basement entrance, as well as the full bathroom.

CHAIRMAN TRUNCALE: The outside basement entrance goes to a different Board, that's not us.

MR. BORGESE: So the full bathroom in the basement.

CHAIRMAN TRUNCALE: I think the outside basement entrance contributes to the lot coverage issue.

MR. BORGESE: Mainly the front porch is the biggest contributing factor.

CHAIRMAN TRUNCALE: But it's part of the count?

MR. BORGESE: Yes, part of the count.

I will add that the basement will remain open and finished. My clients are financially stable, so there is no intent of renting out the basement.

The intent for the basement and the full bathroom, there is an existing inground

pool there, they host a lot of parties, they have a big family, people showering, using the bathrooms, they go downstairs from the outside, and it's not a nuisance or making a mess to the first floor.

CHAIRMAN TRUNCALE: Okay. Anybody have any questions?

MEMBER TULLEY: No.

MEMBER FEIHEL: No.

CHAIRMAN TRUNCALE: Bruce?

MEMBER MAWHIRTER: I guess my first question is, is there any consideration to relocating the stairs to another portion of the property?

MR. BORGESE: The basement stairs?

MEMBER MAWHIRTER: Basement stairs.

MR. BORGESE: We have not discussed that, but it's certainly an option.

MEMBER MAWHIRTER: You did mention that it's there primarily to gain access to the basement for pool use --

MR. BORGESE: Correct.

MEMBER MAWHIRTER: -- and things like that.

MR. BORGESE: We placed it on the left

side because there is no -- it's the last house on the dead end, so there's no adjacent neighbors there, it butts up against somebody else's backyard, so figured it was kind of out of sight, out of mind on the left side.

CHAIRMAN TRUNCALE: Anybody in the public?

MR. DEFELICE: Yes.

CHAIRMAN TRUNCALE: Please step up.

State your name and address, sir.

MR. DEFELICE: Joseph Defelice, I'm at 10 Clifford Court, Malverne.

Yeah, I have a problem with this entrance to the basement, the side door. I know that there is a law about getting exit from the basement, they could do that from the window. There is another house right on Maple that they just redid and he did that.

When they put a basement door entrance, it seems to me like it's entertaining maybe another family living there. Okay, that's what it comes to me. There is nobody else on the block that I know of that has that kind of a door.

They knocked down every tree in the

area, every tree in front of their house, behind their house. I don't know what they plan to do with any kind of shrubbery or how high this new house is going to be.

My bigger issue is with the door, so that's -- I would oppose that, and I want the Board to know that I'm opposed to it, and that's it.

CHAIRMAN TRUNCALE: Okay. Thank you.

Just so you know, sir, the jurisdiction to grant the basement entrance is that of the Board of Trustees, we don't approve the entrance itself, that goes to a different Board.

MR. DEFELICE: So you are not going to decide that tonight?

CHAIRMAN TRUNCALE: Well, we are going to have a discussion, but we can't grant that, we don't have the jurisdiction to grant it. We can grant the variance for the lot coverage, but if the Board of Trustees is not inclined to approve the basement entrance then, you know, that's up to them, it's a different Board.

MEMBER TULLEY: You can ask Mary Kate, you would know when the next Board meeting is

for that if the gentleman wants to go.

MS. SCHNAARS: I'm assuming you received the mailing notice for this hearing tonight?

MR. DEFELICE: Yes.

MS. SCHNAARS: So if you have not yet received it, you will in the next coming days for that next hearing, which is set for October 22nd at 6:00 p.m.

MEMBER TULLEY: Because generally the Board of Trustees rarely gives basement stairs an okay. So because of that reason what the gentleman just spoke about is the possibility of having an apartment in that space, especially since you have a shower and sink and toilet. If you had the sink and a toilet, maybe, but you got all three, and so I would say you are probably going to have a problem.

MR. BORGESE: So we did discuss this with our clients, and kind of if it did come down to one or the other. I don't think we are prepared to make a decision tonight.

But I did want to address the concern about another family living down there. I think there are periodic inspections that occur

to ensure that there aren't people living down there, there's no kitchen or, you know, bedrooms or anything of that sort.

MEMBER FEIHEL: Was there an attempt -- I mean this is an oversized lot. Was there an attempt to meet the floor area and lot coverage maximums at all? You know, this is a new construction, you have carte blanche.

MR. BORGESE: It didn't start out as a new construction. Originally it was going to be built off the existing foundation that was there, but half of the basement was cost based, the other half was finished and full basement and it kind of just morphed into something greater.

And I think the best most cost effective way was to make it a new construction, kind of get everything in their program, and then when we got to this point we realized that we were slightly over on the floor area ratio.

CHAIRMAN TRUNCALE: Okay. Can I make a motion to go into executive session.

Is there a second?

MEMBER TULLEY: Second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

MR. WALSH: I'll note for the record that the Board has made a motion to go into executive session. That generally means comment has to be in public, the exception is they need an executive session. In the executive session they can't vote on anything, they can only ask for legal questions which they couldn't do out here. That's the purpose of the executive session, and we will be back in a couple of minutes I'm sure.

(Whereupon, a recess was taken.)

CHAIRMAN TRUNCALE: Motion to come out of executive session.

Is there a second?

MEMBER TULLEY: Second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

MR. WALSH: Mr. Chairman, if I could put on the record, in the executive session there was a general legal discussion had with respect to the issue of the jurisdiction that this Board has over the variance sought for a three-piece bath against the staircase, which

is an entranceway, which is strictly the jurisdiction of the Board of Trustees.

So based upon that discussion the Board wanted to know what can they do, how can they condition things, and what are they permitted to do, so we had the general discussion.

I advised them on my opinion and what the law was. No votes were taken in the executive session. And now we are back in session.

I return it back to the Chairman.

CHAIRMAN TRUNCALE: Step up, sir.

So we are sort of in a conundrum here because I know the flavor of what this Board has done before and what we are looking at, and I know that you do have to appear before another Board for the relief of the stairs, and I don't know that we can separate the two, even though we don't have jurisdiction over the stairs.

So I think this Board is inclined to deny the application with regard to the three-piece bath, unless you are looking to amend your application and pull the stairs.

MR. BORGESE: Is that something we have

to decide tonight?

CHAIRMAN TRUNCALE: I mean it's one of those things --

MR. WALSH: The Board doesn't want to make you have to come back here either --

MR. BORGESE: I understand.

MR. WALSH: -- that's why legally they wanted to know if there was a sense to do that.

MR. BORGESE: There is a consideration with either removing the shower or the stairs, and I just don't think they know which one they want to do.

MEMBER TULLEY: Do you want to table this to next month?

MR. WALSH: If this was tabled or continued pending their meeting with the Board, would the Board of Trustees go ahead with that issue for themselves without the variances having been granted here?

CHAIRMAN TRUNCALE: Well, I think what the Board of Trustees would likely do is have a discussion with you, similar to what I'm having with you here. So, you know, I'm trying to maybe help facilitate you not having to come back to this Board.

MR. BORGESE: Can I have a moment with them?

CHAIRMAN TRUNCALE: Yes, absolutely.

(Whereupon, a recess was taken.)

MR. BORGESE: All right, so I'm officially a marriage counselor also.

MEMBER FEIHEL: Part of the job.

MR. BORGESE: They decided they will remove the shower from the basement.

CHAIRMAN TRUNCALE: Okay. Sounds good.

So with that --

MR. BORGESE: We will amend the drawings.

CHAIRMAN TRUNCALE: Right.

So is there a motion to grant all relief requested, except for the three-piece bath; is there a motion to that effect?

MEMBER FEIHEL: I'll motion.

CHAIRMAN TRUNCALE: So no three-piece bath, everything else you get your percentages, you are good.

Is there a second?

MEMBER TULLEY: Second.

CHAIRMAN TRUNCALE: All those in favor?

(Chorus of ayes.)

CHAIRMAN TRUNCALE: Great.

MR. BORGESE: Thank you.

MR. WALSH: Good luck with the Trustees.

MR. BORGESE: Have a good night, everybody.

CHAIRMAN TRUNCALE: Good luck, guys. Thank you.

MEMBER TULLEY: Motion to close.

MEMBER FEIHEL: Second.

CHAIRMAN TRUNCALE: All in favor?

(Chorus of ayes.)

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

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

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 16th day of October, 2026.

Mary Kate Waldron

MARY KATE WALDRON