

1 M I N U T E S
2 OF THE MEETING
3 OF THE
4 ZONING BOARD OF APPEALS
5 INCORPORATED VILLAGE OF MALVERNE
6 September 10, 2026
7 7:00 p.m.

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10 PRESENT:

11	BRUCE MAWHIRTER,	ACTING CHAIRMAN
12	MICHELLE SALOGUB,	MEMBER
13	MARYANN HANSON,	MEMBER
14	JOHN TULLEY,	MEMBER
15	PATRICIA McDONALD,	MEMBER

16
17 Also Present:

18 Matthew G. White - Village Attorney
19 Mary Kate Schnaars - Building Department Clerk
20 Louis Santora - Building Superintendant

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1 CHAIRMAN MAWHIRTER: Good evening,
2 everyone.

3 Can we rise for the Pledge of
4 Allegiance.

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

7 CHAIRMAN MAWHIRTER: Good evening,
8 everybody. This is the September Zoning Board
9 meeting.

10 MS. SCHNAARS: Would you like me to
11 call the first case?

12 CHAIRMAN MAWHIRTER: Yes.

13 MS. SCHNAARS: The first case is
14 Michael and Nicole Signora, 106 Legion Place,
15 Concrete Permit Application Number 2026-0530.
16 Michael and Nicole propose to construct an
17 expansion of the paved driveway to 30 feet wide
18 or 606 square feet in the front yard, where 404
19 square feet or 20.2 feet by 20 feet is the
20 maximum allowable at 106 Legion Place.

21 This is in violation of Article IV,
22 off-street parking and unloading, Section
23 600-4.1 of the Village code.

24 State your name and address for the
25 record please.

1 MS. SIGNORA: Hi, my name is Nicole
2 Signora, 106 Legion Place, Malverne.

3 CHAIRMAN MAWHIRTER: Good evening.

4 MS. SIGNORA: Hi. How are you? Sorry,
5 it's my first variance hearing.

6 CHAIRMAN MAWHIRTER: That's okay.

7 MS. SIGNORA: So my husband and I live
8 on the corner of Legion and Linden in Malverne.
9 We live there with our three children, two of
10 whom drive. My older son will be finishing
11 college soon and plans to come back and live at
12 home while he attends law school, so we will
13 need a third car to be able for him to commute
14 to law school. So we are requesting the
15 widening of our driveway to be able to
16 accommodate a third car.

17 CHAIRMAN MAWHIRTER: Okay. So the
18 actual widening, if I understand it correctly,
19 is just going to be the parking area, not the
20 curb cut that brings you down onto the roadway,
21 correct?

22 MS. SIGNORA: Correct. We are not
23 widening the apron, we are just going to widen
24 the actual parking area toward Linden.

25 CHAIRMAN MAWHIRTER: Okay. And you are

1 not going to touch that grass utility strip
2 that's between the curb and the sidewalk, that
3 will all remain?

4 MS. SIGNORA: Everything will remain
5 as-is.

6 Our property on the corner is large on
7 that side, so we won't even have to knock down
8 a tree that's there, there is enough space
9 between the driveway and the tree to put in the
10 area, the paved area.

11 CHAIRMAN MAWHIRTER: Okay. Anyone on
12 the Board have any questions?

13 MEMBER TULLEY: No questions.

14 MEMBER HANSON: No.

15 CHAIRMAN MAWHIRTER: Anyone in the
16 public wish to make any comment or any
17 questions?

18 (Whereupon, there was no response.)

19 CHAIRMAN MAWHIRTER: If not I'll
20 entertain a motion on this application.

21 MEMBER TULLEY: I'll make a motion to
22 accept the variance and add the ten feet.

23 CHAIRMAN MAWHIRTER: Second?

24 MEMBER SALOGUB: Second.

25 CHAIRMAN MAWHIRTER: All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN MAWHIRTER: Opposed?

3 (Whereupon, there was no response.)

4 MS. SIGNORA: Thank you very much.

5 Have a great night.

6 MEMBER HANSON: Your first experience
7 was easy.

8 MS. SIGNORA: Thank you.

9 MS. SCHNAARS: Have a good night.

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1 MS. SCHNAARS: The second application
2 to be heard is James and Kristen Lang, 65 Rider
3 Avenue, Malverne, New York. Building Permit
4 Application Number 2026-0542. James and
5 Kristen propose to construct a 474 square foot
6 second floor addition over the existing garage
7 and family room, with a proposed floor area
8 ratio of 42.23 percent, where the maximum
9 allowable FAR is 40 percent.

10 MR. LANG: Good evening, Board. My
11 name is James, this is my wife Kristen Lang,
12 and we do reside at 65 Rider Avenue.

13 Our proposal is to build a primary
14 suite over the existing attached garage and
15 den, which has been built on a slab. We are
16 just -- we have three kids and we're just
17 running out of room, so we need another
18 bedroom, another closet, and sure do need
19 another bathroom.

20 CHAIRMAN MAWHIRTER: So if I understand
21 it correctly, any of the proposed expansion
22 that you are looking at is going to be
23 basically within the confines of the existing
24 structure?

25 MR. LANG: Correct. We will not extend

1 any of the footing of the existing structure.

2 CHAIRMAN MAWHIRTER: So you are just
3 basically going vertical over the existing
4 garage?

5 MR. LANG: Yup.

6 CHAIRMAN MAWHIRTER: I don't have any
7 other questions.

8 Anyone on the Board have any questions?

9 MEMBER HANSON: No.

10 MEMBER TULLEY: No.

11 CHAIRMAN MAWHIRTER: Anyone in the
12 public have any questions or comments?

13 (Whereupon, there was no response.)

14 CHAIRMAN MAWHIRTER: If not I will --

15 MEMBER HANSON: I actually think it
16 will look prettier.

17 MEMBER McDONALD: I mean everything
18 you've done with the house looks so nice.

19 MEMBER HANSON: Yeah, beautiful.

20 MS. LANG: Thank you.

21 MR. LANG: Hopefully this is it.

22 CHAIRMAN MAWHIRTER: I'll entertain a
23 motion on this application.

24 MEMBER HANSON: I'll make a motion to
25 build an addition over the garage for a master

1 suite as requested.

2 MEMBER McDONALD: I'll second.

3 CHAIRMAN MAWHIRTER: All those in
4 favor?

5 (Chorus of ayes.)

6 CHAIRMAN MAWHIRTER: Opposed?

7 (Whereupon, there was no response.)

8 MR. LANG: Great. Thank you very much.

9 MS. LANG: Thank you.

10 MR. SANTORA: See you next week.

11 MR. LANG: Yeah, see you next week.

12 MS. SCHNAARS: Have a good night.

13 MR. LANG: Good night, Mary Kate.

14 Thank you.

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1 MS. SCHNAARS: The next application is
2 for applicant Shirley Patapat, 7 Croyden
3 Street, Malverne, New York. Building Permit
4 Application Number 2025-0494. Shirley proposes
5 to maintain and legalize an existing 238 square
6 foot rear wood deck with steps to grade, and
7 proposes to construct an additional 40 square
8 foot expansion to the same with a proposed lot
9 coverage of 32.1 percent, where the maximum
10 allowable is 25 percent, at 7 Croyden Street.

11 MR. FEIHEL: I am not Shirley, I am
12 Nicholas Feihel, 58 Lexington Avenue, Malverne.

13 Good evening. I am here representing
14 Shirley Patapat for relief from the zoning code
15 to legalize the existing rear wood deck. We
16 are requesting relief for 32.1 percent total
17 lot coverage, when 25 percent is allowed, an
18 overage of 339 square feet.

19 The deck was built prior to the current
20 homeowner buying the house in 2022 and it
21 currently provides the main access from the
22 house to the rear yard. The door is currently
23 from the bedroom, back right corner of the
24 house. We are proposing that small expansion
25 as we are looking to also put in a door from

1 the kitchen and living room area.

2 MEMBER TULLEY: I was wondering why the
3 extension.

4 MR. FEIHEL: Yeah.

5 According to Village code this is an
6 undersized lot, it's a 4,800 square foot lot,
7 where 6,000 square feet is required. Obviously
8 if the property met minimum size the relief
9 requested would be substantially less.

10 We have also already improved the
11 existing lot coverage by removing the front
12 porch, it was dilapidated and has already been
13 removed, the building department is aware.

14 And we understand that this is not a
15 minimal relief, but we also feel the deck does
16 not pose an undesirable change to the character
17 of the neighborhood, nor is it detrimental to
18 the surrounding neighbors.

19 MR. SANTORA: Do you know how long the
20 deck has been there?

21 MR. FEIHEL: It was there prior to the
22 homeowner buying it four years ago.

23 CHAIRMAN MAWHIRTER: You looked at it
24 and it appears to be in good condition?

25 MR. FEIHEL: As much as I can see,

1 yeah. There is a skirt around the perimeter of
2 it. It's going through the legalization
3 process, we are also doing legalizations of the
4 interior, so anything that has to be brought up
5 to code it will.

6 MEMBER TULLEY: It's composite?

7 MR. FEIHEL: Yes, wood frame composite.

8 MEMBER TULLEY: The front was terrible.

9 MR. FEIHEL: Yeah, when I was
10 measuring, the front, that needed to go.

11 CHAIRMAN MAWHIRTER: So that deck will
12 come out of the house and then connect to the
13 existing deck?

14 MR. FEIHEL: Yes. The oil tank will be
15 removed that's there, I believe its already
16 been, and it will actually be removed, that
17 platform will come across and connect to the
18 existing.

19 I don't know why but originally it
20 seems like they moved a window from the bedroom
21 into a door, and that's the primary access to
22 the backyard right now, or you have to go all
23 the way around.

24 CHAIRMAN MAWHIRTER: Is there anyone on
25 the Board that has any questions?

1 MEMBER TULLEY: No.

2 MEMBER SALOGUB: No.

3 CHAIRMAN MAWHIRTER: Anyone in the
4 public have any questions or comments?

5 (Whereupon, there was no response.)

6 CHAIRMAN MAWHIRTER: I will entertain a
7 motion for this application.

8 MEMBER TULLEY: I'll second. Oh, I
9 thought you were the one.

10 I propose acceptance of the variance
11 and extension of the back, the patio extension.

12 CHAIRMAN MAWHIRTER: Do we have a
13 second?

14 MEMBER SALOGUB: Second.

15 CHAIRMAN MAWHIRTER: All in favor?

16 (Chorus of ayes.)

17 CHAIRMAN MAWHIRTER: Opposed?

18 (Whereupon, there was no response.)

19 MR. FEIHEL: Thank you very much.

20 MEMBER TULLEY: Thank you.

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1 MS. SCHNAARS: Francesco Borgese and
2 Fabrizia, 60 Maple Street, Malverne, New York.
3 Building Permit Application Number 2026-0546 --
4 nope, that's the wrong one. I'm so sorry.

5 2026-0509, proposes to construct a new
6 two-story single-family dwelling over an
7 unfinished basement.

8 Swimming pool Permit Application Number
9 2026-0544, proposes to install a 16 foot by 32
10 foot inground swimming pool, partially in the
11 front yard on Legion Place.

12 Building Permit Application Number
13 2026-0545, proposes to install patio in the
14 front yard on Legion Place.

15 Concrete Permit Application Number
16 2026-0547, proposes to construct circular
17 driveway in the front yard on Maple Street,
18 with two curb cuts, and replace the existing
19 driveway and curb cut on Harriet Court.

20 HVAC Permit Application Number
21 2026-0548, proposes to install two exterior
22 HVAC condensers in front yard on Harriet Court.

23 And Building Permit Application Number
24 2026-0546, proposes to install an outside
25 basement entrance in the front yard on Legion

1 Place.

2 MS. BORGESE: Hi. Here we come.

3 CHAIRMAN MAWHIRTER: State your name
4 and address for the record.

5 MR. SMITH: Good evening, Board. My
6 name is Jason Smith, 1521 Westervelt Avenue,
7 Baldwin, New York.

8 MS. BORGESE: My name is Fabrizia
9 Borgese, I'm 60 Maple Street, in Malverne.

10 What else do I have to say?

11 MR. SANTORA: Is the architect coming
12 tonight?

13 MS. BORGESE: No, he's away.

14 MR. SMITH: I'll just give you a little
15 background. I am Jason, a very good friend of
16 Francesco, he and I are former colleagues, we
17 worked together. I am actually an architect
18 with 30 years of experience. Francesco worked
19 with me, so we've worked together, like I said,
20 still to this day on different projects and
21 things like that. So just a little bit of a
22 background.

23 I think you guys have seen the site.
24 The site itself is an anomaly, I call it, it is
25 really front yards on three sides of the

1 property, and that's really most of the reason
2 why we are requesting some relief from these
3 variances.

4 If you look at our site plan, the
5 inground pool is actually in the rear of the
6 home, which is mostly the rear yard, but it
7 does -- of course it's 11 feet off of, I
8 believe it's Legion Place, so that's one of the
9 variance applications right there.

10 So although it is the front, right, if
11 you look at it as normal, if we have a front of
12 the house we are going to call it, and to us it
13 appears to be more of a side yard. And so it
14 is actually 11 feet off of Legion, so we are
15 hopeful that you guys understand that.

16 The other thing is obviously we'll
17 conform and put all sorts of the proper fencing
18 around the property to make sure that
19 everything is safely accommodated as well.

20 Should I keep going?

21 MS. SCHNAARS: So how would you like to
22 do this?

23 MR. SMITH: That was just the pool.

24 MS. SCHNAARS: That's the swimming
25 pool.

1 Maybe talk about the house, in general,
2 what your intentions are, explain to the Board
3 what you would like.

4 MR. SMITH: Let me grab my cheat
5 sheets.

6 So the patio is also right outside
7 adjacent to the pool. And, of course, the
8 patio is on-grade, but it is, again, close to
9 the, I'll call it, the side yard, but of course
10 it's called a front yard because it's one of
11 the fronts of the property, so that's the other
12 application. And it's a small patio terrace
13 just to go around the pool, just to be safe
14 around the pool, that's all.

15 The allowable lot coverage is
16 25 percent, we are just slightly over that, we
17 are at 25.7 percent. If you look at the lot,
18 if you look at what we're proposing, the home
19 fits very well, the aesthetic we believe is
20 really nice. We believe we are going to
21 beautify the neighborhood like we'd love to,
22 because the Borgese family wants to live in
23 this property and enjoy it with their three
24 little ones as well.

25 MS. BORGESE: Correct.

1 MR. SMITH: Curb cuts. We are
2 proposing along the front, is what we'll call
3 it, is a curb cut for a circular driveway.
4 What we are looking at there is, of course we
5 want to adhere to off-street parking, they do
6 have the three smaller children, obviously they
7 are going to grow and be in cars soon, so we
8 are looking to alleviate a little bit with that
9 circular driveway, so that's why we are looking
10 for the two curb cuts, in what we'll call the
11 front on Maple. Again, it is slightly over the
12 allowance, but we are hopeful that you guys
13 will take a look at that and consider it.

14 Then -- sorry, I have some more notes
15 here. I believe -- oh, there is another curb
16 cut we are looking at to go towards -- so that
17 initial curb cut, the circular one is in the
18 front of the house, we are looking to do a curb
19 cut along, this is Harriet Court, so that is
20 for a two-car drive there, it is slightly above
21 the allowable, but we are hopeful that you
22 would consider it because with five people in
23 the home, five cars, we want to be able to
24 store the cars on the site and not on the
25 street, so that's the main reason for that as

1 well.

2 And then lastly I believe we have the
3 HVAC application, we have two condensers that
4 are, again, called on the front of the house,
5 but that's actually what we are going to
6 consider the side because it's adjacent to the
7 home but on the side, not the front of the
8 home. And, of course, we'll put all sorts of
9 nice lovely plantings around them and they will
10 be hidden accordingly.

11 I'm not sure if you have questions or
12 need any further information, documentation.

13 CHAIRMAN MAWHIRTER: Let me start with,
14 I guess, the variance for the basement entrance
15 and the detached garage.

16 MR. SMITH: Sure.

17 MR. WHITE: Can we just go by number
18 because --

19 CHAIRMAN MAWHIRTER: Oh, sure. Which
20 one?

21 MS. SCHNAARS: The basement entrance,
22 that is Number 2026-0546, and that is for lot
23 coverage of 25.7 percent, and that it is a
24 20.83 foot front yard setback, where 25 feet is
25 required to Legion Place.

1 MR. WHITE: Thank you.

2 CHAIRMAN MAWHIRTER: Can you describe
3 why you are having the need for an exterior
4 entrance into the basement, and is this the
5 only place it can be located?

6 MR. SMITH: Well, we took a look at
7 that. We tried to consider out the back of the
8 home, but it became a little bit too close to
9 the pool, so, yes. But the intent is for it to
10 be like a small family room for the kids and
11 then obviously access to the pool and into the
12 home, so that's really the reasoning for that
13 side door to the basement.

14 CHAIRMAN MAWHIRTER: And I believe
15 right now you are proposing an unfinished
16 basement, correct?

17 MR. SMITH: Correct.

18 CHAIRMAN MAWHIRTER: You are looking at
19 something potentially in the future?

20 MR. SMITH: That's correct. That would
21 be well down the line.

22 CHAIRMAN MAWHIRTER: Okay. And you are
23 aware that we can only approve the setback, we
24 can't approve the entrance itself, that's
25 something the Board of Trustees controls?

1 MR. SMITH: Yes, I believe there is a
2 hearing on the 16th that Francesco will be here
3 for. He is, unfortunately, out of town right
4 now is the reason why he can't be here, he is
5 out of town on business, but he will be here
6 for that one.

7 CHAIRMAN MAWHIRTER: Okay. Anyone else
8 have questions on those particular items?

9 MEMBER HANSON: On which ones? On
10 those?

11 CHAIRMAN MAWHIRTER: On the entrance to
12 the basement.

13 MEMBER HANSON: The entrance to the
14 basement.

15 CHAIRMAN MAWHIRTER: And then the
16 detached garage setback.

17 MR. SANTORA: There's no detached
18 garage.

19 CHAIRMAN MAWHIRTER: Attached garage.

20 MEMBER HANSON: In some spots it says
21 detached, you know, and that's what's
22 confusing. I'm, like, this is attached.

23 MR. SMITH: It's actually not detached,
24 if you look at the floor plan.

25 MS. SCHNAARS: I think because the lot

1 coverage of 25.7 is including the dwelling, the
2 attached garage --

3 MR. SMITH: Correct.

4 MS. SCHNAARS: -- the outside entrance,
5 so all of those things are being listed as
6 under that 25.7 lot coverage.

7 MEMBER HANSON: But it does say
8 detached garage on it. Because I kept going,
9 it's attached.

10 MR. SMITH: Yeah, it is attached, it
11 definitely is. At least that was our design.

12 CHAIRMAN MAWHIRTER: It does show as an
13 attached garage on the drawings.

14 MS. BORGESE: There's no more property
15 left to put another garage.

16 CHAIRMAN MAWHIRTER: So does anyone
17 have any questions on those items?

18 MEMBER TULLEY: No.

19 MEMBER HANSON: No. You asked the
20 questions I had about the basement, the steps
21 to the basement.

22 MEMBER TULLEY: So approval of the 25.7
23 we are actually approving?

24 CHAIRMAN MAWHIRTER: There is two
25 requests on this particular variance, one is

1 for 25.7 coverage, that does include the --

2 MS. SCHNAARS: That is everything.

3 So I think maybe before anything we
4 should see if anyone from the public has
5 questions or concerns they would like to state,
6 and then the applicant can come back up and
7 then we can kind of go through, you know, the
8 dwelling and then maybe this and then the other
9 pieces one at a time.

10 CHAIRMAN MAWHIRTER: Sure.

11 MS. SCHNAARS: Does that work?

12 CHAIRMAN MAWHIRTER: Yes.

13 Does the Board have any questions?

14 Does anyone in the public have any
15 questions?

16 MR. WHITE: I think the lot coverage
17 will be last because if --

18 MS. SCHNAARS: That's everything.

19 MR. WHITE: -- we deny the components
20 of it, then it's not going to matter.

21 MS. SCHNAARS: Potentially, yes.

22 MR. WHITE: You are going to grant lot
23 coverage for an X factor because we are
24 removing something from it and you are giving
25 lot coverage for something that doesn't exist.

1 MS. SCHNAARS: Okay.

2 MR. WHITE: We should do that one last.

3 CHAIRMAN MAWHIRTER: We can still take
4 questions from the public?

5 MR. WHITE: Yes.

6 MS. SCHNAARS: Yes.

7 CHAIRMAN MAWHIRTER: Gentleman in the
8 back?

9 MR. VILLANI: Yes.

10 MS. SCHNAARS: If you would please step
11 up and state your name and address for the
12 record.

13 MR. VILLANI: Gene Villani, 134 Legion
14 Place.

15 And I just would like to know if we can
16 look at the proposals since we haven't seen any
17 drawings or anything? You know, how far does
18 everything extend into, what's the circular
19 driveway, is it just a circular driveway, or
20 does it have additional parking with the
21 circular driveway? I didn't understand if you
22 are keeping the Harriet Place. You are going
23 to have a driveway there as well?

24 MR. SMITH: Correct.

25 MR. VILLANI: So a lot of little

1 questions that we don't know.

2 The circular driveway, are you
3 proposing to take down trees to, you know,
4 allow for the circular driveway?

5 So I am wondering can I look at the
6 drawings to get an idea of what is being
7 proposed?

8 MS. SCHNAARS: So they are a matter of
9 public record, and they are what we would call
10 FOILable, and you could come see them. I can
11 certainly show them to you right now, I don't
12 know if we would take a recess for that to
13 happen.

14 MR. VILLANI: It will take me
15 five minutes.

16 MR. WHITE: I think these are area
17 variances, so it really is the Board's
18 determination as to where they fit
19 geometrically on the property.

20 If you have general objections as to
21 removing trees, then that's something you can
22 certainly put on the record, and it can be
23 considered.

24 But seeing the proposal is sort of
25 making the sum bigger than the parts because

1 each part is on its own a area variance. So I
2 don't know that it's practical to have to
3 examine the plans now, because each variance is
4 going to be, whether or not it fits within
5 setbacks or whatnot, it obviously doesn't, and
6 whether or not it meets the test for the
7 Village law.

8 So that being said, if there is an
9 expedient way to look at the plans, I get it,
10 but this is not the forum for litigating the
11 design or anything like that of the property.

12 MR. VILLANI: So if you approve the
13 variances for -- and I'm not opposed to it.
14 I'll be honest with you, it sounds wonderful,
15 and I am looking forward to seeing what you do.

16 MS. BORGESE: Everything is going to be
17 replaced, planting trees. I want it to look
18 beautiful. Obviously you saw what it looked
19 like, it's not beautiful, so we will be living
20 there.

21 MR. WHITE: As I said, if there's an
22 expedient way to do it, do it.

23 MR. VILLANI: Well, he has them right
24 here.

25 MR. WHITE: I didn't know they were

1 there.

2 MR. SMITH: I have little half size or
3 the full size.

4 MR. VILLANI: Give me one minute.

5 So just for the future, when the letter
6 goes out, if there is a way that people can
7 review them in advance, I think it should be
8 listed on there, if you want to see the plans,
9 proposals, come to the Village department, they
10 will be available between these hours, just a
11 recommendation, but it would help us.

12 MEMBER TULLEY: Makes sense.

13 MS. SCHNAARS: Noted.

14 So these are the proposals.

15 MR. VILLANI: So may I ask, are you
16 proposing to take down any trees?

17 MR. SMITH: Here's a question, should I
18 engage in conversation?

19 MS. SCHNAARS: We should be addressing
20 the Board.

21 MR. VILLANI: Do you know if they are
22 proposing to take down any trees?

23 MS. SCHNAARS: Your concern is the
24 trees?

25 MR. VILLANI: Yeah.

1 MS. SCHNAARS: You can state your
2 concerns to the Board and then the applicant
3 will have the opportunity to respond in kind.

4 MR. SMITH: Whichever way you tell me.

5 MR. VILLANI: I am not opposed to
6 anything, I think it's going to look great. I
7 am not opposed to any of this.

8 My biggest concern was taking down any
9 of the trees since we are a tree neighborhood
10 and they are beautiful trees.

11 As far as the rest of it, I am not
12 opposed to any of it.

13 CHAIRMAN MAWHIRTER: Thank you.

14 MR. VILLANI: Thank you.

15 CHAIRMAN MAWHIRTER: Would you mind
16 addressing that question?

17 MR. SMITH: Yes. Unfortunately we do
18 have to take some trees down. Our intent is to
19 leave as many as we possibly can and build
20 accordingly. Obviously there are some of the
21 trees that are deteriorated on that site and in
22 pretty bad shape, but any healthy ones that we
23 can keep we will do our best to.

24 And obviously, yes, we will be
25 providing new plantings and as many trees and

1 things as possible on the site.

2 MS. SCHNAARS: I can also state for the
3 record, that in regards to landscaping,
4 plantings, things of that nature, how the site
5 will look aesthetically, that will be heard
6 next Wednesday at 7:30 for the Architectural
7 Review and Site Plan Board, that's also a
8 public hearing.

9 If you would like to come in tomorrow
10 and do a FOIL, and I can help you a little
11 further with that, you can also return next
12 Wednesday as well and address your concerns
13 with the trees.

14 MR. VILLANI: I'm sorry. May I speak?

15 MS. SCHNAARS: Yes.

16 MR. VILLANI: The Architectural Review
17 Board, because the plans don't note what's
18 being removed, and I know there is a separate
19 tree, it used to be over 9 inches you would
20 have to have a special permit to remove.

21 MS. SCHNAARS: Correct. And any tree
22 removals have to be approved by the Tree and
23 Beautification Committee, which is a separate
24 board from us, so that would also have to go in
25 for approval as well.

1 MR. VILLANI: Okay. Thank you.

2 MEMBER TULLEY: To comment, looking
3 from the pictures, appears to be only three
4 trees, and they actually look fine.

5 So you are saying there is something
6 wrong with them?

7 MR. SMITH: The trees along Maple?

8 MEMBER TULLEY: There's one on Maple is
9 one, and then looks like there is two on
10 Harriet from the pictures.

11 MEMBER HANSON: Yeah.

12 MEMBER TULLEY: They don't look --

13 MS. BORGESE: Six to eight around on
14 the sidewalk.

15 MR. SMITH: Around the perimeter.
16 There's probably a few more. They may be
17 smaller, maybe not as significant.

18 MEMBER TULLEY: Okay.

19 MR. SMITH: Again, like we said, the
20 goal is to keep as many as we can. But
21 obviously if we need to build we may need to
22 take certain trees down.

23 MEMBER TULLEY: Well, in order to
24 build?

25 MR. SMITH: Correct, in order to build.

1 MEMBER TULLEY: So I saw the fenced in
2 area, there is plenty of room. You got a
3 couple of excavators in there, so I don't see
4 where you need to remove those trees if they
5 were able to excavate and take that entire
6 house down and remove it and not touch those
7 trees.

8 MR. SMITH: Again --

9 MEMBER TULLEY: I am a little confused
10 there.

11 MR. SMITH: That's our goal obviously.
12 I'm just saying the constructability.

13 MEMBER TULLEY: I understand. But on
14 constructability, you got that big payload
15 in.

16 What else would you need to build that
17 house that would be bigger than those and
18 they're able to get around the trees.

19 MR. SMITH: Well, if -- that's for that
20 particular home, right, this is obviously a new
21 footprint. So I am only saying if it
22 interferes with the newer footprint, that's
23 basically what I'm trying to say.

24 MEMBER TULLEY: Yeah, but I'm also
25 saying, I'm looking at that and seeing that and

1 I don't see that as a problem.

2 MR. SMITH: We are hopeful that it's
3 not.

4 MEMBER TULLEY: The review board will
5 look at that.

6 MR. SMITH: Okay, sure.

7 MR. SANTORA: Mr. Chairman, Gene and
8 Bruce, did you have a question about if the
9 Board does approve any of the curb cuts, are
10 there any existing trees in the way of those
11 curb cuts? You had that question before.

12 CHAIRMAN MAWHIRTER: Yes.

13 If you can also speak to that, have you
14 looked at specifically the street trees to
15 construct all the driveway entrances you are
16 proposing, would that impact any of these
17 trees?

18 MR. SMITH: I think, no. I'd have to
19 confirm that to be honest. I will confirm it.
20 I think we are okay. I think when we
21 originally looked at it I think it was okay.

22 MS. BORGESE: I think so too. The
23 sidewalk, obviously some is lifting because of
24 the trees, I don't know anything about this
25 kind of stuff, so I don't know if it's the tree

1 that's lifting, and the roots from the bottom,
2 I don't know. I will save the trees if I have
3 to save the trees, of course.

4 Like I said, anything that gets removed
5 will be planted with another tree, if we have
6 to take it away because the roots are so big.

7 I don't know if I am making any sense,
8 but it will be planted. Maybe not in that
9 specific spot, move it over a little bit, I
10 just want you all to know that. We are not
11 here to knock down the trees and not put not
12 any.

13 CHAIRMAN MAWHIRTER: You get a sense
14 that's it's a concern of the Board as well as
15 the entire Village?

16 MR. SMITH: Sure.

17 MS. BORGESE: Of course, 100 percent.
18 I live in Malverne, I own the hair salon in
19 town, so I know how everybody feels about the
20 plants, the landscaping, the trees, I
21 understand. So I will try to save as many
22 trees as possible.

23 CHAIRMAN MAWHIRTER: So one of the
24 concerns we have with the exit or the stairs to
25 the basement is, generally in the past, and

1 correct me if I am wrong, we have been
2 reluctant to approve any of those.

3 MR. SMITH: Okay.

4 CHAIRMAN MAWHIRTER: And I can be
5 corrected if I am wrong.

6 Is that accurate what I just said?

7 MEMBER HANSON: Accurate.

8 CHAIRMAN MAWHIRTER: Which is why I
9 think I asked you in the beginning if there was
10 an alternate location to look to placing that.

11 MR. SMITH: Yeah, we can definitely
12 take another look at it and see.

13 CHAIRMAN MAWHIRTER: If it's safe for
14 egress, I believe you don't need steps, we can
15 just get away with an emergency window.

16 MR. SANTORA: Yes.

17 MEMBER TULLEY: Yes, egress emergency
18 window, correct.

19 MR. SMITH: Okay. So are you saying
20 that it would be preferable to not have the
21 steps and just have an egress window?

22 CHAIRMAN MAWHIRTER: Correct.

23 MS. BORGESE: What if we have the steps
24 and the window, the emergency window? No, that
25 doesn't --

1 CHAIRMAN MAWHIRTER: No. I think our
2 reluctance is to approve a stairway.

3 MR. SANTORA: Excuse me, do you mind if
4 I interrupt?

5 CHAIRMAN MAWHIRTER: Go ahead.

6 MR. SANTORA: We are here regarding the
7 stairway just for a setback and be in the front
8 yard. Whether they can move it somewhere else
9 and without any zoning issues, that's not up to
10 this Board, you know that.

11 MS. BORGESE: Okay. Thank you.

12 CHAIRMAN MAWHIRTER: So how do we
13 proceed now, do we hold a vote on the area
14 variance until the end?

15 MR. WHITE: Yeah, I would because it's
16 build is made up of individual variances as
17 well. Obviously if you deny one of them it's
18 going to change the lot coverage.

19 MR. SANTORA: Yeah, because if you say,
20 for instance, if you-- well, you can't deny --
21 you could deny the location of the stair and if
22 they choose to put it in lot coverage would
23 stay the same, the outside stair counts in the
24 lot coverage, FYI, just technicality.

25 MEMBER TULLEY: Okay. So we can okay

1 the lot coverage -- it's not a call on the
2 basement stairs anyway, right?

3 MR. SANTORA: They can find a code and
4 a place for it or not.

5 MEMBER TULLEY: It's still going to
6 extend the lot coverage because you put it on
7 the side, left side, right side.

8 MR. SANTORA: As long as it stays the
9 same footprint.

10 MEMBER TULLEY: Right.

11 CHAIRMAN MAWHIRTER: So do we act on
12 the setback?

13 MR. WHITE: You can start however you
14 want. You might as well start with the stairs.

15 What variance number is that, Mary
16 Kate?

17 MS. SCHNAARS: The outside basement
18 entrance is Application Number 2026-0546, which
19 is included in the lot coverage of
20 25.7 percent, or 25 is the maximum allowed, and
21 has a 20.83 foot facing Legion Place -- I'm
22 sorry, a 20.83 foot setback facing Legion
23 Place, where 25 is the minimum allowable.

24 MR. WHITE: That's not a standalone,
25 it's looped in with the lot coverage?

1 MS. SCHNAARS: Correct.

2 MR. WHITE: Okay. So we may want to
3 start somewhere else then.

4 MS. SCHNAARS: How about the HVAC.
5 HVAC Application 2026-0548, two exterior HVAC
6 condensers in the front yard on Harriet Court
7 where no structure can be located in a front
8 yard or in front of any of the main building.

9 MEMBER TULLEY: Right. Screened only
10 and plantings. Because of the three sides, got
11 to put it someplace. I have no problem.

12 CHAIRMAN MAWHIRTER: I know in the past
13 when there is screening proposed, we ask that
14 it be evergreens, therefore, we have the winter
15 screening there.

16 MR. SMITH: Sure, not a problem.

17 CHAIRMAN MAWHIRTER: Board have any
18 other questions?

19 MS. SCHNAARS: Each application will
20 have its own vote, we are going to do them one
21 at a time.

22 CHAIRMAN MAWHIRTER: Anyone from the
23 public have any questions or comments?

24 (Whereupon, there was no response.)

25 CHAIRMAN MAWHIRTER: I'll entertain a

1 motion on -- should I state the variance
2 number?

3 MS. SCHNAARS: Sure.

4 CHAIRMAN MAWHIRTER: 2026-0548.

5 Do I have a motion on that?

6 MEMBER TULLEY: Motion to accept the
7 variance for the HVAC on the side on Harriet
8 Court.

9 MEMBER HANSON: I'll second it.

10 CHAIRMAN MAWHIRTER: And I think we
11 also want to state that it has to be evergreen
12 plantings?

13 MEMBER TULLEY: Evergreens as a
14 screening.

15 MEMBER SALOGUB: Planting.

16 CHAIRMAN MAWHIRTER: Second?

17 MEMBER HANSON: Second.

18 CHAIRMAN MAWHIRTER: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN MAWHIRTER: Opposed?

21 (Whereupon, there was no response.)

22 MS. BORGESE: Thank you.

23 MR. SANTORA: The pool and patio go
24 together.

25 MS. SCHNAARS: The swimming pool,

1 Application 2026-0544, proposes to install 16
2 foot by 32 foot inground swimming pool, not
3 entirely in the rear yard, where a portion is
4 located in the front yard on Legion Place with
5 a setback of 11 feet, where no private swimming
6 pool shall be installed entirely in the rear
7 yard.

8 CHAIRMAN MAWHIRTER: Did you look at
9 this and see if it could be located any other
10 place?

11 MR. SMITH: We did.

12 CHAIRMAN MAWHIRTER: To potentially
13 mitigate all or part of that setback?

14 MR. SMITH: Yes, we tried. Like I
15 said, the site is such an anomaly, there is
16 three fronts on three sides. We situated in
17 the rear of the house as much as possible but,
18 you know, obviously on one side it kind of just
19 sits slightly out a little bit.

20 CHAIRMAN MAWHIRTER: And this is
21 strictly for the pool?

22 MS. SCHNAARS: This is only for the
23 swimming pool with the front yard on Legion
24 Place.

25 CHAIRMAN MAWHIRTER: Does the Board

1 have questions on this one?

2 MEMBER McDONALD: No.

3 MR. SANTORA: The only way they can, if
4 you don't mind, technically if they keep that
5 size swimming pool, there is no way -- the way
6 the footprint is of the house, like the
7 gentleman said, you can't fit it entirely in
8 the rear yard unless you make them redesign the
9 whole footprint of the house. So that's up to
10 the Board.

11 MR. SMITH: Just --

12 MR. SANTORA: Or make the pool smaller,
13 but then it would be too small.

14 MR. SMITH: Right. We are putting all
15 pool equipment behind the house.

16 MEMBER HANSON: And there's going to be
17 a fence and bushes?

18 MR. SMITH: Correct. Fence, bushes,
19 pavers, pool. And 11 feet between the property
20 and the pool itself, property line.

21 MEMBER HANSON: It's a big pool.

22 MR. SMITH: It's actually standard.
23 That's how they come in those sizes.

24 MEMBER McDONALD: I'll make a motion.

25 CHAIRMAN MAWHIRTER: Let me first ask.

1 Does the public have any questions or
2 comments on the pool?

3 (Whereupon, there was no response.)

4 MEMBER MAWHIRTER: I'll entertain a
5 motion.

6 MEMBER McDONALD: I'll make a motion
7 for the pool.

8 MEMBER TULLEY: I'll second.

9 CHAIRMAN MAWHIRTER: All in favor?

10 (Chorus of ayes.)

11 CHAIRMAN MAWHIRTER: Opposed?

12 (Whereupon, there was no response.)

13 MS. BORGESE: Thank you.

14 MR. SANTORA: Patio.

15 MS. SCHNAARS: Patio?

16 CHAIRMAN MAWHIRTER: Patio.

17 MS. SCHNAARS: Application Number
18 2026-0545, proposes to install patio not
19 entirely in the rear yard where a portion is
20 proposed to be located in the front yard on
21 Legion with a front yard setback of zero feet,
22 where patio shall not be located any closer to
23 the street than the front building line of the
24 main structure.

25 CHAIRMAN MAWHIRTER: So I have a

1 question as far as where your fence is
2 proposed, specifically on Legion Place and the
3 placement of the shrubs.

4 MR. SMITH: Sure.

5 CHAIRMAN MAWHIRTER: Any reason why you
6 didn't put the shrubs on the inside of that
7 fence? They are outside.

8 MR. SMITH: They are located outside.

9 CHAIRMAN MAWHIRTER: On Village
10 property.

11 MR. SMITH: Correct.

12 So we'll show them inside, I don't
13 think that's an issue.

14 CHAIRMAN MAWHIRTER: The other question
15 I was going to have was there is a driveway
16 directly adjacent to that corner of the house
17 on Legion Place, and with the placement of
18 those shrubs potentially blocks a driver's view
19 of occupants or a child riding a bike on the
20 sidewalk. So we generally ask for a sight
21 triangle in that area to mitigate any of that.

22 MR. SMITH: Okay, that shouldn't be an
23 issue.

24 CHAIRMAN MAWHIRTER: So you are
25 agreeing to flip?

1 MR. SMITH: Yeah, we can flip the
2 shrubs to put inside the fence and we'll
3 maintain those shrubs.

4 MR. SANTORA: May I interject
5 something, Chairman?

6 CHAIRMAN MAWHIRTER: Yes.

7 MR. SANTORA: So if they are going to
8 plant the shrubs on the inside of the fence,
9 and the fence is on the property line, that
10 means the patio is going to be cut back, I
11 don't know, three feet.

12 MR. SMITH: Yes, correct. Enough for
13 the shrubs to grow appropriately.

14 CHAIRMAN MAWHIRTER: So with that I
15 think we also mitigate the sight triangle
16 issue.

17 MR. SANTORA: Well, the fence is -- the
18 shrubs, the fence could count in the sight
19 triangle issue too.

20 CHAIRMAN MAWHIRTER: Is the fence
21 solid?

22 MR. SMITH: No, it's open.

23 MR. SANTORA: No, it's open picket
24 estate fence.

25 MS. SCHNAARS: The sight triangle

1 requirement is already in the Village code and
2 would have to be adhered to regardless of your
3 vote or decision tonight. They would have to
4 meet that at the time of permit from the
5 building department.

6 MR. SANTORA: Have that angle there.
7 And maybe the other one, I don't know if there
8 is another driveway over there, we will see.

9 MR. WHITE: She has two driveways, one
10 driveway on one side --

11 MS. SCHNAARS: No, the fence doesn't
12 come forward of the garage.

13 MR. SMITH: It does not, it stays to
14 the rear of the garage.

15 MEMBER SALOGUB: Just Legion Place
16 side?

17 MR. SMITH: That's correct, yes.

18 CHAIRMAN MAWHIRTER: Does anyone on the
19 Board have any other questions?

20 (Whereupon, there was no response.)

21 CHAIRMAN MAWHIRTER: Anyone in the
22 public have any questions or comments?

23 (Whereupon, there was no response.)

24 CHAIRMAN MAWHIRTER: I'll entertain a
25 motion.

1 MEMBER HANSON: I'll accept a motion
2 with putting the -- changing it to the bushes
3 are inside the fence, and that there is a
4 triangle, but you said --

5 MS. SCHNAARS: That would be standard
6 as part of the requirements for the fencing.

7 MR. SANTORA: One of the variances is
8 distance from the patio property line, you are
9 going to have to say, conditionally three feet
10 back from the property line.

11 MEMBER HANSON: So conditionally moving
12 the bushes behind the fence and moving the
13 patio three feet from the property line. I'll
14 accept those terms.

15 I'll make a motion.

16 CHAIRMAN MAWHIRTER: Do I have a
17 second?

18 MEMBER SALOGUB: Second.

19 CHAIRMAN MAWHIRTER: All in favor?

20 (Chorus of ayes.)

21 CHAIRMAN MAWHIRTER: Opposed?

22 (Whereupon, there was no response.)

23 CHAIRMAN MAWHIRTER: Okay.

24 MS. BORGESE: Thank you.

25 MR. WHITE: House I guess.

1 MR. SANTORA: Driveway. Curb cuts and
2 driveway.

3 MS. SCHNAARS: So the house, it's the
4 dwelling with the attached garage, the outside
5 basement entrance, rear patio, front portico is
6 all in lot coverage.

7 MR. WHITE: They are on separate
8 variances.

9 THE CLERK: Because the outside
10 basement also needs a setback.

11 MR. WHITE: They all touch lot
12 coverage.

13 MS. SCHNAARS: Correct, yes.

14 MR. WHITE: But there's no separate lot
15 coverage application, this is kind of tied into
16 the two.

17 MS. SCHNAARS: Correct.

18 MR. WHITE: Alright, so then let's do
19 the driveway, then we'll take those as they
20 come in.

21 CHAIRMAN MAWHIRTER: So that's
22 2026-0547?

23 MS. SCHNAARS: Correct.

24 The Concrete Permit 2026-0547, proposes
25 to construct a circular driveway in the front

1 yard on Maple Street with two curb cuts and
2 replace the existing driveway and curb cut on
3 Harriet Court. The circular driveway of 696
4 square feet exceeds the 500 square foot maximum
5 allowable, and two curb cuts, where only one is
6 allowed, and the two new curb cuts on Maple
7 Street are proposed at 16 feet, where 12 is the
8 maximum allowable. And the new replacement
9 curb cut on Harriet Court is proposed at
10 21.2 feet, where 20 feet is the maximum
11 allowable.

12 CHAIRMAN MAWHIRTER: Why don't we look
13 at each driveway individually first. So the
14 one on Harriet Court.

15 MEMBER HANSON: That's the one to the
16 garage.

17 CHAIRMAN MAWHIRTER: To the garage,
18 yes.

19 So it's a proposed two-car garage,
20 correct?

21 MEMBER HANSON: Yes.

22 CHAIRMAN MAWHIRTER: And you'd
23 basically have cars in a two space driveway.

24 MR. SMITH: Driveway.

25 CHAIRMAN MAWHIRTER: And then just

1 widening, putting in a wider curb cut to
2 accommodate the two cars to pull in directly in
3 and out.

4 MR. SMITH: Yes.

5 CHAIRMAN MAWHIRTER: Does anyone on the
6 Board have any questions relative to that
7 driveway?

8 MEMBER TULLEY: No.

9 MEMBER HANSON: I do have a question.
10 So say -- are we able to say okay to that, and
11 then deny the other?

12 MR. WHITE: Yeah, we'll have to
13 bifurcate it. I was thinking the same thing.
14 I will make a note on the conditions for that.
15 Granted to the extent that if it goes different
16 ways we can condition it that way.

17 MEMBER HANSON: Okay.

18 CHAIRMAN MAWHIRTER: Does anyone in the
19 public have any comment on the Harriet Place
20 driveway?

21 (Whereupon, there was no response.)

22 CHAIRMAN MAWHIRTER: So let's talk
23 about the circular driveway now. So we are
24 trying to understand why you need -- I
25 understand you basically said you are looking

1 for future parking areas.

2 MS. BORGESE: Correct.

3 CHAIRMAN MAWHIRTER: Family grows and
4 starts to drive.

5 MS. BORGESE: Correct.

6 CHAIRMAN MAWHIRTER: We have in the
7 past, I believe, and again correct me if I am
8 wrong, approved semicircular driveways under
9 certain conditions, specifically when they are
10 on busy roads like Hempstead Avenue, correct me
11 if I am wrong.

12 MEMBER HANSON: Yes.

13 CHAIRMAN MAWHIRTER: I think we are
14 having a little bit of an issue given that it's
15 going to potentially impact some trees, it's
16 definitely going to impact the on-street
17 parking, so there's a couple of issues I think
18 we are having with that in general. Like I
19 stated, on busier roads we are more amenable to
20 a semicircular driveway.

21 MEMBER TULLEY: There is no other
22 semicircular driveway in that area or on that
23 block.

24 CHAIRMAN MAWHIRTER: Correct.

25 MEMBER HANSON: Correct.

1 MR. SMITH: Would there be any
2 consideration if we were able to shrink it in a
3 little bit, bring it to 500 square feet?

4 MS. BORGESE: Or save the trees and try
5 to not --

6 MEMBER TULLEY: It's just the
7 semicircular driveway.

8 MR. SANTORA: Basically this variance
9 is for the size of that driveway and the second
10 curb cut on Maple.

11 MR. SMITH: Correct.

12 MR. SANTORA: So you as-of-right if you
13 meet the 500 square feet in the front yard on
14 Maple, one curb cut.

15 MEMBER HANSON: So it doesn't allow a
16 circular.

17 MR. SANTORA: You are here for more
18 than 500 square feet and the second curb cut.

19 MR. SMITH: Correct.

20 MR. SANTORA: And then it's in our
21 code, the whole thing with the 12 feet, 20 feet
22 for a curb cut for a two-car driveway, 12 feet
23 for one car. This is, I guess, a one car, so
24 that's what you are here for with them.

25 MR. SMITH: Correct.

1 MR. WHITE: So this obviously is a
2 three-prong variance that we have, the Harriet
3 Court curb cut, we have the second Maple Street
4 curb cut, and we have the Maple Street driveway
5 area, so I think that's how we ought to
6 approach it.

7 CHAIRMAN MAWHIRTER: Okay. Does the
8 Board have any other comments or questions on
9 the semicircular driveway?

10 MEMBER SALOGUB: No.

11 CHAIRMAN MAWHIRTER: You have a
12 question on the other one?

13 MEMBER SALOGUB: I do. You know, I'm
14 just looking at this, and there is an area
15 within the poured concrete by the garage called
16 proposed grass areas.

17 MR. SMITH: Yes.

18 MEMBER SALOGUB: So, you know, the
19 kids, if they are going to be kids, they are
20 going to park on there.

21 MS. BORGESE: On the grass?

22 MEMBER SALOGUB: Yeah.

23 MS. BORGESE: I'm sorry.

24 MEMBER SALOGUB: How old are your
25 children?

1 MR. SMITH: That's not the intent at
2 all.

3 CHAIRMAN MAWHIRTER: How old are your
4 children?

5 MS. BORGESE: My oldest is 12.

6 MEMBER SALOGUB: So he's not going to
7 be driving for a while, or she. And the other
8 two are younger, they're obviously not going to
9 be driving for a while. So it's a lot of
10 driveway space for an anticipated driveway.

11 MEMBER HANSON: I know what you are
12 saying.

13 MS. BORGESE: I understand what you are
14 saying. We just figured since we are here and
15 this is like a one time done shot deal for us,
16 because this is our dream home, we figured we
17 would just do it. We know we cannot park in
18 the streets in Malverne. And I know my kids,
19 they are all going to have their own car, you
20 know.

21 MEMBER SALOGUB: But that's later on.
22 You could have three more kids and need three
23 more bedrooms and have to come back before us.

24 MS. BORGESE: No. I mean they are a
25 blessing, but no more kids.

1 MEMBER SALOGUB: You don't know what's
2 going to happen in the future.

3 If you would insist on a circular
4 driveway I am not going to approve that
5 driveway in the back because it's so many cars
6 and they are not all your own cars.

7 Theoretically your husband and you each
8 have one, nobody else is driving in the house,
9 right?

10 MS. BORGESE: Nobody else is driving.

11 MEMBER HANSON: Michelle, to your
12 point, that if in the future you need more
13 space for the driveway, then come back and ask
14 for a variance to extend the driveway on
15 Harriet where the garages are.

16 CHAIRMAN MAWHIRTER: Theoretically you
17 can park four vehicles, given the current
18 layout on the Harriet street.

19 MEMBER HANSON: Yes.

20 CHAIRMAN MAWHIRTER: Two in the garage.

21 MR. SMITH: In the garage.

22 MEMBER SALOGUB: You are not really
23 showing a hardship right now for parking.

24 I mean, will your husband be parking
25 any other vehicles there?

1 MS. BORGESE: No.

2 MEMBER SALOGUB: Related to his
3 business or something?

4 MS. BORGESE: We have three vehicles
5 right now.

6 We do have family that come visit us,
7 not from out of state, I mean, from around the
8 neighborhood.

9 MEMBER SALOGUB: I have family that
10 comes from all over too, and they have to park
11 in the street or try to park in the driveway or
12 we call the police department and say we have
13 cars overnight, that's what you do in Malverne.

14 You can't possibly anticipate if your
15 kids will be driving, they may be driving
16 motorcycles.

17 MS. BORGESE: No, I don't think so,
18 definitely not driving a motorcycle.

19 MEMBER SALOGUB: I don't see a hardship
20 or the need for all this concrete.

21 MR. SMITH: I mean there is a
22 significant amount of vegetation that we are
23 going to put around the site, so I think it
24 will blend in nice.

25 MS. BORGESE: It will look nice.

1 MR. SMITH: We prefer if we can then
2 keep the Harriet side if possible.

3 CHAIRMAN MAWHIRTER: Oh, yeah.

4 MEMBER McDONALD: I think this might,
5 unfortunately, be opening it up for other
6 people. I have grown up here, aesthetically I
7 understand on Hempstead Avenue like where you
8 are now, Cornwell, but in a residential area
9 like this, I mean I have to call the police
10 also all the time --

11 MEMBER HANSON: Me too.

12 MEMBER McDONALD: -- with people
13 staying over or whatever.

14 I love the look of the house and
15 everything.

16 MS. BORGESE: Thank you.

17 MEMBER McDONALD: Looks really nice.

18 MS. BORGESE: Thank you.

19 MEMBER HANSON: So how are we proposing
20 this?

21 CHAIRMAN MAWHIRTER: Anyone in the
22 public have any comments on the semicircular
23 driveway?

24 (Whereupon, there was no response.)

25 MR. WHITE: So if you -- the

1 semicircular driveway is a function of the
2 second curb cut and an area. So if you want a
3 more traditional compliant driveway you just
4 deny those two variances and they can, as a
5 matter of right, propose the compliant driveway
6 and then you'd do what you like with Harriet as
7 far as the variance goes.

8 CHAIRMAN MAWHIRTER: Okay.

9 MR. WHITE: So if you are predisposed
10 to granting Harriet, you grant Harriet; if you
11 don't want a circular driveway on Maple, you
12 just deny the two variances.

13 CHAIRMAN MAWHIRTER: Okay. Do we have,
14 Lou, any further comment?

15 MR. SANTORA: Just that as-of-right on
16 Harriet I see that it says 18 feet wide for the
17 driveway part, that can be 20 as-of-right if
18 you want to sneak another two feet in there
19 without any issues here. You are here just for
20 the curb cut for them on Harriet. And the curb
21 cut could be 20 feet, so it's not a big deal
22 either way, whether you move it or not. You
23 are not ever going to notice that.

24 MR. SMITH: Sure.

25 MEMBER HANSON: Well, the curb cut,

1 they are asking for a curb cut of 21.20, so
2 can't the driveway be as wide as the curb cut?

3 MR. SANTORA: Curb cut is 20. They are
4 not here for a 20 foot driveway -- more than a
5 20 foot driveway so I can't tell them right now
6 you can't go 20.

7 MEMBER HANSON: Right.

8 MR. WHITE: I mean we can propose,
9 Chairman, a motion regarding the variance for
10 Harriet Court curb cut, start with that if
11 you'd like.

12 CHAIRMAN MAWHIRTER: So do I have a
13 motion specific to the Harriet Court curb cut?

14 MEMBER TULLEY: I propose the Harriet
15 curb cut be allowed.

16 CHAIRMAN MAWHIRTER: Second?

17 MEMBER SALOGUB: Second.

18 CHAIRMAN MAWHIRTER: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN MAWHIRTER: Opposed?

21 (Whereupon, there was no response.)

22 CHAIRMAN MAWHIRTER: Okay.

23 MR. WHITE: Then we have a variance for
24 the second curb cut on Maple Street. That
25 would be the next motion.

1 CHAIRMAN MAWHIRTER: Do we have a
2 motion for that variance?

3 MEMBER TULLEY: I will go with a denial
4 of the curb cut and the circular driveway, and
5 the request for the square footage on Maple
6 Street.

7 CHAIRMAN MAWHIRTER: Can we combine
8 those two?

9 MR. WHITE: That's fine. You can do
10 that.

11 CHAIRMAN MAWHIRTER: And we proceed the
12 same way with a second and a motion.

13 MR. WHITE: If you are so inclined you
14 can second that.

15 MEMBER SALOGUB: Second.

16 CHAIRMAN MAWHIRTER: All in favor?

17 MR. WHITE: The motion is to deny those
18 two pieces.

19 CHAIRMAN MAWHIRTER: All in favor for
20 denial of the two pieces?

21 (Chorus of ayes.)

22 CHAIRMAN MAWHIRTER: Opposed?

23 (Whereupon, there was no response.)

24 MR. WHITE: So where we stand is then
25 the variance for the curb cut on Harriet is

1 granted, the variance for the second curb cut
2 on Maple is denied, as is the area.

3 MR. SMITH: Single will be okay and
4 500?

5 MR. WHITE: As-of-right, yeah.
6 As-of-right -- what you can do is certainly
7 as-of-right.

8 MR. SMITH: Thank you.

9 MEMBER TULLEY: Anything else?

10 MR. WHITE: So now we have -- they both
11 pull in lot coverage, but one is specific to
12 the construction of the dwelling and the other
13 one is the basement entrance.

14 If you want to take the basement
15 entrance first, it's the lesser impactful area,
16 you can do that, that is a setback issue.

17 And the actual dwelling only implicates
18 lot coverage, right, that's the only issue?

19 MR. SANTORA: No, there is a front yard
20 setback on Harriet Court of 22 feet instead of
21 25 where the condensers are.

22 MR. WHITE: Got it.

23 CHAIRMAN MAWHIRTER: So we are going to
24 discuss the basement entrance.

25 Do we have a motion for that setback?

1 MEMBER TULLEY: Motion to allow the
2 setback? Yeah, I'll allow the setback.

3 MEMBER HANSON: Wait, that means they
4 can have the basement stairs?

5 MEMBER McDONALD: No, we can't vote on
6 that.

7 MEMBER HANSON: Oh, okay.

8 MR. WHITE: You can allow them to have
9 it where they want it, which would be on the
10 west side, that will be what this is for, to
11 allow that setback variance. If you deny it
12 then they have to relocate it. As a matter of
13 right if they need another variance, they can
14 come back or find some other place to put it.
15 This is to allow it to be as proposed.

16 MEMBER HANSON: So I have a question,
17 is it the setback because of the steps?

18 MR. WHITE: Yes.

19 MEMBER HANSON: So then why would we
20 approve it if we don't want the steps?

21 CHAIRMAN MAWHIRTER: That's what we are
22 asking for the motion on. Ask for a motion to
23 approve or deny that variance.

24 MEMBER McDONALD: But they can put an
25 egress.

1 MEMBER HANSON: They can put an egress
2 window.

3 MEMBER McDONALD: We are not here for
4 that, we are just here --

5 MEMBER HANSON: Yeah, but if we deny --
6 can we just step out?

7 MR. WHITE: You want to make a motion
8 to go into executive session?

9 MEMBER SALOGUB: I make a motion to go
10 into executive session.

11 CHAIRMAN MAWHIRTER: Is there a second?

12 MEMBER HANSON: Second.

13 MR. WHITE: Just so you know, no
14 decision will be made in executive session,
15 they are just asking for some clarification.

16 MR. SMITH: Sure.

17 MR. WHITE: So we'll be back shortly.

18 MR. SMITH: Any questions, we are here.

19 (Whereupon, a recess was taken.)

20 CHAIRMAN MAWHIRTER: Do we have a
21 motion to open?

22 MEMBER TULLEY: Motion to open.

23 MEMBER SALOGUB: Second.

24 CHAIRMAN MAWHIRTER: We are back.

25 MS. BORGESE: Hi.

1 CHAIRMAN MAWHIRTER: So --

2 MR. WHITE: Mr. Chairman, I recommend
3 we take up the variance for the stairway which
4 is Variance 2026-0546.

5 CHAIRMAN MAWHIRTER: So as to the
6 stairway, I don't think you've demonstrated a
7 hardship where it would justify the stairway.
8 If it's for access purposes, you could easily
9 put in a egress window. So I think that's
10 where we are looking at that particular aspect
11 of it.

12 MR. SMITH: Would I be able to ask a
13 question?

14 CHAIRMAN MAWHIRTER: Sure.

15 MR. SMITH: On the egress window, it is
16 at a lower level, so there would need to be
17 some sort of elevation change right when you
18 come out of that egress window.

19 CHAIRMAN MAWHIRTER: Correct me if I am
20 wrong, a well --

21 MR. SANTORA: An area well, which they
22 call it now in the code instead of a window
23 well, no, that can encroach in a front yard.

24 MR. SMITH: Okay.

25 MS. BORGESE: As far as basement

1 stairs, I know you said we didn't really give
2 you a lot of information about them. As I
3 stated I do have three little kids, they are
4 always constantly in and out. I would like for
5 them to use the basement with their friends
6 instead of coming into my brand new house
7 upstairs. I mean I'm am just being honest,
8 there's really no, like, reasoning why we need
9 them, but I would love to have them. Just
10 because the kids and their friends over, you
11 know, kids, just go downstairs, play
12 downstairs, go do your video games downstairs,
13 instead of running through the whole house to
14 go into the basement.

15 CHAIRMAN MAWHIRTER: I understand. But
16 I think the way it's proposed right now, that's
17 an entrance to an unfinished basement.

18 MS. BORGESE: An unfinished basement
19 right now, yes.

20 MR. SMITH: That is correct.

21 CHAIRMAN MAWHIRTER: So it's not
22 technically, I don't want to say a play area
23 or -- a play area, right, Lou?

24 MR. SANTORA: Technically not, no. But
25 it does have either way when this house is done

1 there will be an emergency escape rescue
2 opening in some way, shape or form per code.

3 MR. SMITH: Of course.

4 MR. SANTORA: Whether it's unfinished
5 or not, if the kids are playing down there,
6 this is above the realm of this Board, but just
7 speaking about code, if the kids are down there
8 there is two ways to get out.

9 MR. SMITH: Correct.

10 MR. SANTORA: Whether it's a stair, a
11 egress window, whatever.

12 CHAIRMAN MAWHIRTER: Any other
13 questions or comments?

14 MEMBER SALOGUB: So I'm looking at
15 this, if you were -- I am just saying that if
16 you were desperate to have this, couldn't you
17 move it, like, next to the back patio adjacent
18 to the house across from the pool? You'd have
19 more visualization of your kids over there and
20 what they're doing. If it's on the side of the
21 house who knows what's going on over there.

22 MEMBER HANSON: Right.

23 MEMBER SALOGUB: We are not saying
24 necessarily no stairway or no egress window, it
25 just said setback over there. It's a very odd

1 place. If you have kids running around, I
2 would want them all in my sight line near to
3 where the patio where I have chairs and across
4 from the pool. Can it go in that area?

5 MR. SMITH: It does become tight in
6 that area.

7 MEMBER SALOGUB: What's that?

8 MR. SMITH: It gets a little tight in
9 that area.

10 MEMBER SALOGUB: In what way?

11 MR. SMITH: Well, currently we were
12 showing the window wells out the back.

13 MEMBER SALOGUB: Well then the window
14 wells could be replaced by this other thing,
15 the exit window.

16 MEMBER HANSON: Yeah.

17 MR. SMITH: So you are saying we could
18 potentially put the stair in the back and
19 change it there.

20 MEMBER TULLEY: You are not going to do
21 too much with the two window wells there
22 anyway.

23 MR. SMITH: Well, you know, we thought
24 that it would be kind of a fenced area and kind
25 of secluded.

1 MEMBER SALOGUB: It's all fenced
2 because of the pool anyway.

3 MR. SMITH: Yeah, correct.

4 CHAIRMAN MAWHIRTER: Any other
5 comments, questions?

6 (Whereupon, there was no response.)

7 CHAIRMAN MAWHIRTER: Do I have a motion
8 specific to -- counsel?

9 MR. WHITE: The motion will be to deny
10 2026-0546.

11 CHAIRMAN MAWHIRTER: Do I have a motion
12 for that?

13 MEMBER SALOGUB: I'll make a motion.

14 MEMBER HANSON: I'll second it.

15 CHAIRMAN MAWHIRTER: All in favor?

16 MEMBER McDONALD: So this is denying
17 the --

18 CHAIRMAN MAWHIRTER: Setback.

19 MEMBER McDONALD: -- setback.

20 MEMBER HANSON: To the basement
21 entrance.

22 MEMBER TULLEY: I oppose.

23 MEMBER McDONALD: I was going to say
24 I'm opposing also.

25 MR. SANTORA: Opposing the denial?

1 MEMBER McDONALD: Denial.

2 MR. SANTORA: So you're for it?

3 MEMBER McDONALD: Yeah.

4 MR. WHITE: Poll the Board then.

5 Member McDonald?

6 MEMBER McDONALD: I am for the

7 variance.

8 MR. WHITE: Member McDonald, oppose the

9 motion?

10 MEMBER McDONALD: I oppose the motion.

11 MR. WHITE: Member Hanson?

12 MEMBER HANSON: I'm going along.

13 MR. WHITE: You oppose the variance,

14 okay.

15 Chairman Mawhirter?

16 CHAIRMAN MAWHIRTER: I am in favor of

17 it.

18 MR. WHITE: In favor of the motion to

19 oppose the variance?

20 CHAIRMAN MAWHIRTER: Yes.

21 MR. WHITE: Well, the motion is

22 different. The motion was to disapprove.

23 So, Member Tulley?

24 MEMBER TULLEY: I oppose.

25 MR. WHITE: You oppose the motion in

1 favor of the variance?

2 MEMBER TULLEY: Yes.

3 MR. WHITE: And Member Salogub?

4 MEMBER SALOGUB: I oppose the variance.

5 MR. WHITE: You oppose the variance.

6 So that is three opposed, two in favor
7 of the variance. The motion carries, the
8 variance is denied.

9 MR. SMITH: I'm sorry, I missed it.

10 MR. WHITE: The variance is denied,
11 three to two.

12 MR. SANTORA: On the setback.

13 MR. SMITH: Setback.

14 MEMBER HANSON: Setback for the stairs.

15 MR. WHITE: So that leaves 2026-0509,
16 which is a lot coverage variance of 25.7, as
17 well as a setback of 22 feet from Harriet
18 Court.

19 MEMBER TULLEY: I propose to allow the
20 variance on the 25.7 and the 22 feet of the
21 driveway.

22 CHAIRMAN MAWHIRTER: Is there a second?

23 MEMBER SALOGUB: Second.

24 CHAIRMAN MAWHIRTER: Second.

25 All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN MAWHIRTER: Opposed?

3 (Whereupon, there was no response.)

4 MR. WHITE: So just as a note, as I'm
5 sure you picked up on, the 25.7 percent was
6 still granted, which would include the
7 footprint of a proposed staircase.

8 MR. SMITH: Correct.

9 MR. WHITE: If it was to be turned
10 around, it's permitted into the rear where you
11 don't need a variance for it.

12 MR. SMITH: Okay.

13 MEMBER TULLEY: Still have to go to the
14 Board to get that anyway.

15 MR. SMITH: Correct.

16 MR. WHITE: For the purpose of this
17 Board the space is allocated for it.

18 MEMBER TULLEY: We didn't approve.

19 MR. SMITH: Not the location but the
20 space. Mainly because of the setback.

21 MR. WHITE: It was denied because of
22 the setback.

23 MR. SMITH: Okay, I understand.

24 CHAIRMAN MAWHIRTER: Is that it?

25 MS. SCHNAARS: That's all.

1 CHAIRMAN MAWHIRTER: Can I have a
2 motion to close?

3 MEMBER SALOGUB: I make a motion to
4 close.

5 MEMBER TULLEY: I'll second.

6 CHAIRMAN MAWHIRTER: All in favor?

7 (Chorus of ayes.)

8 CHAIRMAN MAWHIRTER: Opposed?

9 (Whereupon, there was no response.)

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

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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 23rd day of September, 2026.

Mary Kate Waldron

MARY KATE WALDRON

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