

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD OF ZONING APPEALS
INCORPORATED VILLAGE OF MINEOLA

-----X

IN THE MATTER
OF THE #16-353
APPLICATION OF
DAVID TEREZO, 386 Pennsylvania Avenue,
Mineola,
Applicant.

-----X

Village Hall
155 Washington Avenue
Mineola, New York
January 25, 2018
7:30 o'clock p.m.

B E F O R E:

JAMES M. SHERRY, Acting Chairman
WILLIAM J. GRIMM, JR.,
CARL MARCHESE,
DONNA SOLOSKY, Commissioners

COUNSEL
REPRESENTING
VILLAGE OF MINEOLA: BENJAMIN TRUNCALE, ESQ.

REPORTED BY: JOANNE HORROCKS, CSR
Official Court Reporter

RECEIVED
JAN 30 P 12:19
VILLAGE OF MINEOLA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE ACTING CHAIRMAN: Good evening. We have one application before the Board of Appeals tonight, Application 62-353, David Terezo, 386 Pennsylvania Avenue. Who is here for the applicant?

MR. BROWNE: Christian Browne, Sahn, Ward, Coshignano, PLLC, 333 Earle Ovington Boulevard, suite 601, Uniondale for the applicant.

I hope this is a straightforward application. It stems from the fact that a rear addition was put onto this existing dwelling on Pennsylvania Avenue.

The original house was built in I believe 1951, and therefore, it had a legal nonconforming status. The applicant is the new owner of the property, and they contracted to put this rear addition on with permits. They were granted permission to build. They built the entire addition. And I believe at the time the final survey

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

was taken in the fall of last year when they went back to finish the process, the Building Department at that time determined that technically the addition should have been sent here first because it was continuing the noncompliant, nonconforming side yard, existing side yard. Under present zoning, it's required to be six feet, and this dwelling maintains just under five feet. I believe it varies slightly from 4.5 feet to 4.9 feet.

So there's no change to the side yard. The addition was built directly in line with the house. So it's all even. But the determination was made that, I guess, because it was an alteration to an existing nonconforming setback, it should have required relief from the Board before the building permit was granted. Unfortunately, the Building Department granted the permit, and the work was fully completed.

At the time that the applicant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

came back, they were told they couldn't occupy the house, so there was a bit of a -- some confusion, let's say. The Building Department last fall did grant a temporary certificate of occupancy so the family could move into the house. They were living elsewhere. They have moved in. All the work is completed. Everything is done.

All we are asking for is relief from this Board so they can obtain a permanent CO, close out and get a permanent CO at this time.

There's really no substantial change to the addition. They are not coming closer to the neighbor that has existed since actually 1947, I believe.

THE ACTING CHAIRMAN: And it's only the side yard?

MR. BROWNE: It's just that one side yard. The rest of the addition is fully as of right. It's just a rear addition, and the back is the Long Island Rail Road right-of-way. So

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that's what brings us here tonight.

THE ACTING CHAIRMAN: Thank you,
Mr. Browne.

MR. BROWNE: You're welcome.

Any questions for Mr. Browne?

Is there anyone else wishing to
be heard on this application? Okay,
can you please just come up and give us
your name and address and spelling your
last name for the reporter.

MS. ROSE: Vivian Rose, R-O-S-E,
371 Pennsylvania Avenue in Mineola.

Okay, the house is beautiful.
They did a great job on the house.
It's very big, very big. It doesn't
look like anything that was there
before.

And I just -- my concern, I
didn't know exactly what it was. I
just wanted to come here. My concern
really is the parking on the street.
So as long as it's not -- it looks like
a very large house. It's a one-family
house?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. Terezo

6

MR. BROWNE: It is.

MS. ROSE: Okay. That's what I just want to make sure and confirm, because we do have a parking issue on that block.

So right now, it's beautiful, and they are very nice neighbors because I knew her. She lived next door before. So I don't have any objections, because it's across the street from me. It's a nice view.

The other house across the street from me, they have done a lot of improvements on the street.

So I just wanted to make sure that it's a one-family house, not going to infringe and bring anymore traffic in. Especially when it snows, it's bad on that block.

Okay. That's it. I just wanted to confirm that.

THE ACTING CHAIRMAN: Thank you very much.

Entertain a motion?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. MARCHESE: I make a motion we
approve it.

THE ACTING CHAIRMAN: Second?

MR. GRIMM: Second.

THE ACTING CHAIRMAN: All in
favor?

MS. SOLOSKY: Aye.

MR. MARCHESE: Aye.

MR. GRIMM: Aye.

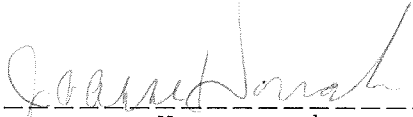
THE ACTING CHAIRMAN: Aye.

MR. BROWNE: Thank you very much.

(Time noted: 7:40 p.m.)

* * * * *

This is certified to be a true and accurate
transcript of my stenographic notes taken in
the above-captioned matter.



Joanne Horrocks, CSR
Official Court Reporter