

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

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

PRESENT:

|                    |                 |
|--------------------|-----------------|
| BRUCE MAWHIRTER,   | ACTING CHAIRMAN |
| MICHELLE SALOGUB,  | MEMBER          |
| JACK TULLEY,       | MEMBER          |
| MARY ANN HANSON,   | MEMBER          |
| PATRICIA McDONALD, | MEMBER          |

Also Present:

Kevin Walsh - Village Attorney  
Mary Kate Schnaars - Building Department Clerk  
Louis Santora - Building Superintendant

1                   MEMBER MAWHIRTER: Good evening,  
2                   everybody.

3                   This is the January 2025 Zoning Board  
4                   meeting.

5                   If we can all rise to Pledge the Flag.

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

8                   MEMBER MAWHIRTER: Mary Kate, take them  
9                   in the order?

10                  MS. SCHNAARS: Yes, I think that's  
11                  fine.

12                  MEMBER MAWHIRTER: So the first case we  
13                  are going to hear tonight is for Christopher  
14                  and Meredith Heine, 7 Winfield Place.

15                  Mary Kate.

16                  MS. SCHNAARS: Christopher and Meredith  
17                  Heine, 7 Winfield Place, Residential C  
18                  District. Building Permit Application Number  
19                  2024-0706, proposes to construct a second story  
20                  addition over existing single family  
21                  one-and-a-half story dwelling.

22                  MEMBER MAWHIRTER: Thank you.

23                  And who do we have representing the  
24                  applicant tonight?

25                  MR. HEINE: Chris Heine.

Heine, 7 Winfield Place - January 9, 2025

1                   MEMBER MAWHIRTER: If you could step up  
2                   to the podium and state your name and address,  
3                   and present your project.

4                   MR. HEINE: Christopher Heine, 7  
5                   Winfield Place, Malverne, New York 11565.

6                   So my wife and I are adding a second  
7                   story addition onto our house. Currently it's  
8                   a one-and-a-half story house.

9                   When we originally bought the house, we  
10                  moved in about six years ago, seven years ago,  
11                  we had three kids at the time, the half story  
12                  worked for us, there was one bedroom up there,  
13                  I had three girls at the time, they all fit  
14                  into the one bedroom that's up there, it's a  
15                  large bedroom that takes up one-half of the  
16                  house. Since then we've had a fourth child,  
17                  it's also a boy, so we need to kind of build up  
18                  and expand, keeping the footprint of the house,  
19                  but build up and give ourselves some extra  
20                  bedrooms up there and an extra bathroom, so  
21                  converting one large bathroom. And we also  
22                  have an attic that you can walk in on the side,  
23                  so converting that into a bedroom and then  
24                  taking the large bedroom on the side, splitting  
25                  it essentially into two, there's already a

1 bathroom, and then adding one bathroom onto the  
2 second floor as well.

3 MEMBER MAWHIRTER: All the work is  
4 being done basically on the second level?

5 MR. HEINE: On the second level within  
6 the footprint of the current house, we are not  
7 expanding the footprint, we are really just  
8 building straight up.

9 MEMBER MAWHIRTER: Anyone on the Board  
10 have any questions?

11 MEMBER SALOGUB: No.

12 MEMBER HANSON: No.

13 MEMBER MAWHIRTER: Is there anyone in  
14 the audience that has any questions?

15 (Whereupon, there was no response.)

16 MEMBER MAWHIRTER: I think in looking  
17 at this application, that this is a zone where  
18 we have in the past approved similar  
19 applications.

20 I don't want to speak for the Board,  
21 but I don't have any other comments on the  
22 application or concerns.

23 Any other members?

24 MEMBER SALOGUB: No.

25 MEMBER HANSON: No.

1 MEMBER TULLEY: Good.

2 MEMBER MAWHIRTER: Does anybody want to  
3 make a motion?

4 MEMBER TULLEY: I will make a motion to  
5 approve the variance as submitted.

6 MEMBER MAWHIRTER: Second?

7 MEMBER SALOGUB: Second.

8 MEMBER MAWHIRTER: All in favor?

9 (Chorus of ayes.)

10 MEMBER MAWHIRTER: Opposed?

11 (Whereupon, there was no response.)

12 MEMBER MAWHIRTER: Good luck.

13 MR. HEINE: Appreciate it.

14

15

16

17

18

19

20

21

22

23

24

25

Kunz, 65 Horton Street - January 9, 2025

1                   MEMBER MAWHIRTER: Next application is  
2                   for William Kunz, 65 Horton Street.

3                   Mary Kate, would you do the honors?

4                   MS. SCHNAARS: William Kunz, 65 Horton  
5                   Street, Malverne, New York. Permit Application  
6                   2024-0847, proposes to construct a new 12 foot  
7                   by 16 foot open sided cabana with a built in  
8                   counter at 65 Horton Street.

9                   MEMBER MAWHIRTER: Is someone here  
10                  representing the applicant?

11                  MR. J. KUNZ: I will represent, I am  
12                  his son.

13                  MEMBER MAWHIRTER: Sir, step up.  
14                  State your name and address.

15                  MR. J. KUNZ: Joseph Kunz, 52 McIntosh  
16                  Court, Malverne, and representing William Kunz,  
17                  65 Horton Street.

18                  MEMBER MAWHIRTER: Can you explain a  
19                  little about the application?

20                  MR. J. KUNZ: Yeah, I'll try and do my  
21                  best.

22                  So we actually did the same similar  
23                  work in our backyard and he loved it, so he's  
24                  trying to do something similar.

25                  So it's a pergola-type structure, open

1           sided, with a counter, I think it's a counter  
2           underneath like mine, no plumbing, no gas or  
3           anything like that. Just an outdoor, like,  
4           entertaining structure.

5                   I think, I don't know specifically, I  
6           think this is closer to the street or something  
7           to that effect.

8                   MS. SCHNAARS: That's correct.

9                   MEMBER MAWHIRTER: It is, yes.

10                  MS. SCHNAARS: Its proposed location is  
11           35 feet from the front property line, where  
12           accessory structures must be a minimum of  
13           60 feet from the property line.

14                  And the proposed height is 11 feet 9  
15           inches, and the maximum allowable height is  
16           10 feet.

17                  MR. J. KUNZ: And I know he sent a note  
18           to his neighbors, I guess that was a request to  
19           let them know that he had put in for the  
20           request to do the work, and if they had any  
21           objections to either let him know or come to  
22           the meeting tonight. He wanted to let you know  
23           he is in Florida, very fortunately for him.

24                  MEMBER HANSON: It's pretty cold there  
25           too.

Kunz, 65 Horton Street - January 9, 2025

1 MR. J. KUNZ: Yeah.

2 MEMBER MAWHIRTER: Anyone on the Board  
3 have any questions?

4 MEMBER SALOGUB: No.

5 MEMBER TULLEY: No.

6 MEMBER HANSON: No.

7 MEMBER MAWHIRTER: I forgot to ask on  
8 the last application, but all mailings were in  
9 order?

10 MS. SCHNAARS: Correct, yes.

11 MEMBER HANSON: Very beautiful.

12 MEMBER MAWHIRTER: Yeah, it looks nice.

13 MR. J. KUNZ: Thank you.

14 MEMBER MAWHIRTER: Again, I believe the  
15 requests are di minimus compared to other  
16 applications we've received.

17 I will open it up to any other Board  
18 member that has questions or comments?

19 MEMBER TULLEY: No.

20 MEMBER MAWHIRTER: Anyone in the  
21 audience?

22 (Whereupon, there was no response.)

23 MEMBER MAWHIRTER: Again I will  
24 entertain a motion?

25 MEMBER HANSON: I'll make a motion to



1           approve the pergola in the backyard.

2                   MEMBER McDONALD: I will second.

3                   MEMBER MAWHIRTER: All in favor?

4                   (Chorus of ayes.)

5                   MEMBER MAWHIRTER: Opposed?

6                   (Whereupon, there was no response.)

7                   MR. J. KUNZ: Thank you. I appreciate  
8           it.

9                   MEMBER MAWHIRTER: Good luck.

10                  MR. J. KUNZ: Have a good night.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1                   MEMBER MAWHIRTER: The third  
2 application is for, I apologize if I  
3 mispronounce this, Vishnu and Kamla Gangadin --

4                   MR. GANGADIN: Yes.

5                   MEMBER MAWHIRTER: -- 55 Wright Avenue.

6                   MR. GANGADIN: Yes.

7                   MEMBER MAWHIRTER: If you can read into  
8 the record.

9                   MS. SCHNAARS: Vishnu and Kamla  
10 Gangadin, 55 Wright Avenue, Residential A  
11 District.

12                   Pool Permit Application Number  
13 2024-0496, proposes to install a 20 foot by 40  
14 foot inground swimming pool with dry well in  
15 the rear yard.

16                   Building Permit Application Number  
17 2024-0498, proposes to construct a 300 square  
18 foot open sided pool cabana with outdoor  
19 seasonal kitchen in rear yard.

20                   Building Permit Application Number  
21 2024-0607, proposes to construct patio, masonry  
22 fire pit, and a 3-foot-high planter retaining  
23 wall in rear yard and front yard on Linmouth  
24 Road.

25                   HVAC Permit Application Number

1           2024-0136, proposes to install 3 central A/C  
2           exterior condensers in the front yard on  
3           Linmouth Road.

4                       Fence Permit Application Number  
5           2024-0499, proposes to install rear facing  
6           5-foot-high solid masonry fence located in rear  
7           yard and front yard on Linmouth Road; proposes  
8           to install 5-foot-high total height  
9           (4-foot-high metal open picket on 1-foot-high  
10          solid masonry wall) front yard facing fence on  
11          Wright Avenue and Linmouth Road; proposes to  
12          install side yard facing 5-foot-high total  
13          height (4-foot-high metal open picket on a  
14          1-foot-high solid masonry wall) part of which  
15          is a pool safety barrier; and proposes to  
16          install an interior 5-foot-high metal open  
17          picket fence as a pool safety barrier.

18                   MR. GRAY: Chris Gray, Architect, 2401  
19           Capri Place, North Bellmore, New York,  
20           representing Vishnu Gangadin at 55 Wright  
21           Avenue.

22                   Good evening.

23                   MEMBER HANSON: Good evening.

24                   MR. GRAY: I would like to hand in the  
25           original affidavit of service, it was e-mailed,

1 but here's the original copy for the record.

2 MS. SCHNAARS: Thanks, Chris.

3 MR. GRAY: Perhaps we'll have the owner  
4 introduce himself, but I will do some talking,  
5 get the introduction out of the way.

6 Introduce yourself.

7 MR. GANGADIN: Vishnu Gangadin, my wife  
8 is Kamla Gangadin, and we are new to the  
9 neighborhood.

10 MR. GRAY: State your address.

11 MR. GANGADIN: 55 Wright Avenue,  
12 Malverne.

13 MR. GRAY: You are good.

14 There is a lot -- there are five  
15 applications that were filed, due to the  
16 building department procedures things had to be  
17 on separate applications. Basically this all  
18 has to do with outdoor structures and things of  
19 that nature.

20 Let us start with -- I'll pick one  
21 here. I handed in as part of the package,  
22 there are two renderings, if you can refer to  
23 them and you can see, I guess you have them  
24 electronically, you may have them on paper.  
25 But I have a nice view from the -- this

1 property is located on the corner of Wright  
2 Avenue, and also the side street is --

3 MEMBER HANSON: Linmouth Road.

4 MR. GRAY: Linmouth Road, yes. Thank  
5 you.

6 So this is a very large piece of  
7 property. Also it is very exposed. So there  
8 is some things that are going on here that I'll  
9 explain.

10 Perhaps we can start with, we're  
11 looking to put three condenser units on the --  
12 that would be the east side of the dwelling,  
13 which would be facing Linmouth Road. So this  
14 is an easy one we can start with and then we'll  
15 work our way around to the other structures.

16 This requires a 25 foot front yard  
17 setback, the proposed is 22.4 feet at its  
18 closest point. The property is a little bit on  
19 an angle, so as we proceed north on the side of  
20 the dwelling, the front yard gets smaller. So  
21 at its tightest, those three condensing units  
22 will be 22.4 feet. We also propose that the  
23 A/C units to be screened with evergreens.

24 And then going to the next item, we  
25 would like to have the 4-foot-high picket fence

1 installed on a 1-foot-high masonry base wall.  
2 Originally the fence -- or I should say this  
3 application was changed in order to bring that  
4 fence to the front building line. So where  
5 those air conditioning units were to be exposed  
6 with its covering, now it's covered by two sets  
7 of evergreen trees, so those A/C units are well  
8 concealed, not only to the public, but also  
9 onto the owner on the property itself.

10 There are two proposed structures to go  
11 on the property, one of which is an outdoor  
12 kitchen or slash shade structure or cabana,  
13 that's all one and the same. So that structure  
14 is proposed to go into the northwest corner of  
15 the property.

16 And let me just get to that objection  
17 sheet and the cabana.

18 Now, the cabana and the pool, they  
19 count towards building coverage. The allowable  
20 building coverage is 25 percent of the  
21 property, we propose a coverage of  
22 25.9 percent, so a very small amount.

23 Mr. Gangadin would really like to have  
24 this size pool and then this size structure so  
25 try to keep things reasonable, we are over

1 .9 percent which pretty much equals 159 square  
2 feet over the allowable.

3 This pool, or I should say the cabana,  
4 its maximum height is 10 feet, and we propose a  
5 height of 12 feet.

6 There was a little bit of confusion in  
7 the zoning code regarding heights and accessory  
8 structures, I believe it was noted as two  
9 different heights in two different areas, but I  
10 will now note it for the future that accessory  
11 structures are limited to 10 feet. But here we  
12 are proposing the structure to be a height of  
13 12 feet.

14 Also noted, the placement of this in  
15 the corner of the property behind an existing  
16 garage. This two-car garage happens to be  
17 almost 20 feet tall, very tall, that could not  
18 be built today without going before the Board,  
19 but this structure has been there. So this  
20 proposed cabana will be hiding behind this  
21 particular structure, really only affecting the  
22 neighbor -- one neighbor to the north. The  
23 neighbor to the west happens to be a church,  
24 that happens to be a parking lot slash  
25 playground area for kids, so really the only

1 neighbor that could possibly be affected is the  
2 one directly to the north.

3 And then going down, this particular  
4 application is the -- is for the cabana, okay,  
5 so that was one application.

6 And then going next to the pool.  
7 Basically the pool is in a good position that  
8 only brings us over the building area combined  
9 with the shade structure.

10 And then we go to the next item -- let  
11 me go down my list. It's now the patio is  
12 considered a structure, whereas the  
13 structures -- the accessory structures are to  
14 be behind the building line. Yes, this is  
15 deemed a structure, but really it's a patio on  
16 the ground. So whether it be a patio surface  
17 or grass is kind of one and the same, at least  
18 it's not a tall structure in anybody's face,  
19 but it is deemed a structure, a patio, that is  
20 proposed to go into the front yard on Linmouth  
21 Road.

22 There is also a proposed fire pit that  
23 is between the pool and the fence along  
24 Linmouth Road.

25 And then there's a section of -- well,



1       the fencing, we propose that 4-foot-high picket  
2       on top of a 1-foot-high base wall, that would  
3       comply with the minimum 5 foot as a pool  
4       enclosure, and that would provide some privacy  
5       to the property. And that, of course, would  
6       have a row of evergreens on the inside face of  
7       the property to make nice greenery for  
8       everybody to see, and also provide the owner  
9       with some privacy.

10               There is also a proposed 5-foot-high  
11       concrete wall on the north side of the  
12       property. And then forward of that would step  
13       down to a 3-foot-high little wall, creating a  
14       planter that would contain some nice plantings.  
15       And then that section of wall is proposed to  
16       extend into the front yard as well onto  
17       Linmouth Road.

18               So, like I had mentioned, this is --  
19       yes, it's a very large piece of property, but  
20       it's very highly exposed. And so the owner is  
21       looking for a little bit of privacy, but also  
22       offering nice greenery for the surrounding  
23       area.

24               And I believe I covered all the items.  
25       Like I said, this was all these items on five

1           different applications, so I believe I covered  
2           everything mentioned.

3                     Are there any questions that I can  
4           answer? There is a lot going on here, to say  
5           the least.

6                     MEMBER MAWHIRTER: So one of the  
7           questions I wanted to discuss was the masonry  
8           wall. It extends -- you are proposing that it  
9           would extend right to essentially the back wall  
10          along the property line; is that correct?

11                    MR. GRAY: Yes, correct. As the  
12          rendering shows.

13                    MEMBER MAWHIRTER: Yes.

14                    So if you look to the directly  
15          adjoining property, the driveway for that  
16          residence is a few feet, I am not exactly sure  
17          if it's 4 or 5 feet off that wall.

18                    One of the concerns we've had, and  
19          we've asked on prior applicants when they are  
20          proposing a fence that comes to the back is the  
21          sight line for the adjoining neighbor when they  
22          back their car out, and it's for safety  
23          purposes.

24                    So what we've asked for in the past is  
25          that you either move the fence more toward the

1           inside of the property to create better sight  
2           lines, or chamfer that corner to create a sight  
3           triangle. So that's one comment I have  
4           regarding that.

5                     The second thing is, just curious why a  
6           solid masonry wall as opposed to --

7                     MR. GRAY: May I have the owner answer  
8           that question?

9                     MEMBER MAWHIRTER: Sure.

10                    MR. GANGADIN: So basically it's to  
11           create the planter box. I figure if I put a  
12           nice concrete wall there, which will be  
13           finished on the neighbor's side as well, it  
14           will give us a nice look from the inside,  
15           right, with the plants that we want to put  
16           inside and stuff like that.

17                    It's not set in stone that we have to,  
18           you know, put that, we can put anything else.

19                    MR. WALSH: Excuse the pun.

20                    MEMBER TULLEY: Play on words.

21                    The other thing you spoke about was the  
22           Linmouth fence. Is there, instead of having a  
23           fence on the outside, can you have the fence  
24           pulled in a little and have the shrubbery and  
25           bushes on the outside?

1                   MR. GANGADIN: So I would say no. The  
2                   reason why I would say no, I start to notice  
3                   lately people been walking their dogs, and when  
4                   the dogs poop, they tie up the bag and they  
5                   just throw it. Right now they are throwing it  
6                   in the yard, to be honest with you.

7                   MEMBER McDONALD: Are you kidding?

8                   MR. GANGADIN: No, I am being serious,  
9                   they are throwing it in the yard.

10                  So I figure if those bushes are out  
11                  there, then I would have to be cleaning up  
12                  every week or every other day. So I figure if  
13                  the fence goes there, maybe it might create a  
14                  little bit more privacy where no one really  
15                  will throw anything.

16                  I took a picture -- I actually take a  
17                  picture of it and I have it in my other phone.  
18                  I came back from Michigan this morning, my  
19                  phone is in my bag in Michigan. I really  
20                  wanted to show you guys, because saying that  
21                  you might not believe it, but seeing it.

22                  MEMBER TULLEY: Okay, thank you.  
23                  Appreciate it.

24                  MR. GANGADIN: So that is a issue that  
25                  I have right now going on where people are just

1           tying it up and throwing it. I guess they  
2           figure because it's a construction site for now  
3           that they are just disposing it.

4                   MR. WALSH: Can I ask a question?

5                   MEMBER MAWHIRTER: Sure.

6                   MR. WALSH: So a couple of things. One  
7           is on the wall, I think the Board is trying --  
8           Board has not had a history of approving those  
9           types of walls, so they are asking questions  
10          about it.

11                   You have to know that is going to  
12          require Architectural Review by the Trustees.  
13          So whatever the Board would decide relative to  
14          that, other than possibly its location on the  
15          property line or not, those things are going to  
16          be decided by the Trustees, but they want to  
17          get something that makes sense to everybody if  
18          they can.

19                   On your argument, because I have to  
20          deal with the legal end of it, if everybody's  
21          argument is somebody is not going to protect my  
22          little green belt there on my side we will have  
23          fences running down the street all the way,  
24          because unless they are isolating you they are  
25          doing it all along.

1                   I don't know if that answer is the  
2                   concern that the Board might have with having a  
3                   long fence, a hundred something feet running  
4                   straight with the -- by the way, with the  
5                   greenery on your side to give you the beauty of  
6                   the greenery and give the Village the fence.  
7                   It's not like it's an ugly fence, but by the  
8                   same token you are giving yourself the best  
9                   side of it. So I think they might be looking  
10                  for a little more flexibility on that issue.

11                  Granting variances for accessory  
12                  structures, including fences running the length  
13                  of the property out to the property line is a  
14                  tough precedent to ask the Board to go with.

15                  So just laying it out there.

16                  MR. GRAY: We've had a prior project  
17                  that we did go before the ARB, some things they  
18                  became aware of this other site work, so we are  
19                  going to go back to ARB so they can see the  
20                  whole picture.

21                  MR. WALSH: On this one?

22                  MR. GRAY: Yes. We will go to the ARB.

23                  MR. WALSH: So you mention it would be  
24                  a decorative -- it would be finished, a  
25                  finished stone wall. The finish would be very

1 relevant to your neighbor, I assume, and very  
2 relevant to the Board, any Board that's going  
3 to look at it, not just cinderblock on that  
4 side and nice finish on your side with a  
5 planter, that type of thing.

6 MR. GANGADIN: Like I said, we plan to  
7 finish the wall on both sides, our neighbor's  
8 side and our side.

9 MR. WALSH: The same?

10 MR. GANGADIN: Yes. We are not leaving  
11 them with stone, I would never do something  
12 like that.

13 MEMBER TULLEY: Can we get that 5 foot  
14 angle over by the driveway, any objection to  
15 that?

16 MR. GRAY: To chamfer, to knock off 5  
17 foot from each direction would be satisfactory?

18 MEMBER TULLEY: I believe so.

19 MR. WALSH: He is asking would the  
20 client offer it so the Board can then consider  
21 it? I don't know that anyone can speak for the  
22 Board yet.

23 MR. GRAY: Some sort of chamfer off the  
24 corner, make a little diagonal cut to help.

25 MEMBER TULLEY: It's for safety reasons

1           for the driveway.

2                   MR. GANGADIN: I don't have a problem  
3           with that. I don't see it being an issue.

4                   MEMBER TULLEY: Okay.

5                   MR. GANGADIN: I am there to live in it  
6           and enjoy it, I am not taking it with me, so 5  
7           foot today doesn't make a big difference.

8                   MR. SANTORA: Nice little triangle and  
9           to throw the nice little poop in it.

10                  MEMBER TULLEY: Lot coverage, well you  
11           can speak to that.

12                  MEMBER MAWHIRTER: Lot coverage.

13                  MEMBER TULLEY: 25.9.

14                  MEMBER MAWHIRTER: 25 percent is  
15           permitted. Personally speaking for myself, I  
16           think that's a di minimus request.

17                  I do have some concerns about not  
18           moving the fence along Linmouth back a little  
19           further. I don't recall that we've allowed  
20           something like this right up against the back,  
21           especially something of this length. We are  
22           talking about the fence that's there now, it's  
23           an old chain link fence.

24                  MR. GANGADIN: Yeah.

25                  MEMBER MAWHIRTER: So personally I



1           would prefer to have this fence moved back a  
2           little bit.

3                       Now whether you keep the shrubs on your  
4           side or put them on the other side because of  
5           your concern for people walking their dogs, I  
6           am not sure if I have an opinion either way on  
7           that. If your concern is putting landscape on  
8           that side, I would be okay if you just move the  
9           fence back and kept landscaping on your side,  
10          but give us a little more of a setback behind  
11          the sidewalk.

12                      MR. GANGADIN: Like how much feet are  
13          we talking about?

14                      MEMBER HANSON: It's supposed to be 5,  
15          isn't it?

16                      MEMBER MAWHIRTER: What is our  
17          requirement?

18                      MR. SANTORA: There is no requirement.

19                      MEMBER MAWHIRTER: It's a front yard.

20                      MR. SANTORA: The whole thing is they  
21          are here for a fence in the front yard period.  
22          So you are supposed to be lined up with the  
23          edge of the house. So whatever you give him,  
24          the property line in, is up to you guys.

25                      MEMBER TULLEY: Just a foot we have

1           done before I think. It's a foot setback.

2                   MR. SANTORA: Well the setback, if he  
3           decides to put plantings in front of it, you  
4           got to give him enough room for the property  
5           line to the fence to put the plantings in.

6                   MEMBER HANSON: Right.

7                   MEMBER TULLEY: So you want 2 foot  
8           then?

9                   MEMBER HANSON: Well, you have 12 feet  
10          from the fire pit.

11                  MEMBER MAWHIRTER: It's about 12 feet  
12          to the property line, correct, roughly?

13                  MR. GRAY: Yes, yes.

14                  MR. WALSH: You need about 7 around the  
15          fire pit to be relatively safe. You are really  
16          talking about 4 feet or so at most, I think,  
17          right, just to keep it safe?

18                  MEMBER MAWHIRTER: That would give him  
19          the opportunity if you so desire to do some  
20          plantings there, or at least keep a grass  
21          strip.

22                  MR. GRAY: How much of a distance are  
23          you thinking?

24                  MEMBER TULLEY: I still like 2.

25                  MR. GRAY: Would 2 feet be reasonable?

1                   MEMBER HANSON: I think 4 is what we  
2                   are looking for.

3                   MEMBER MAWHIRTER: I think so, yeah.

4                   I think the consensus is 4 feet what  
5                   the Board is looking for.

6                   MR. GANGADIN: So 4 feet and plant on  
7                   the outside?

8                   MR. GRAY: That could be 4 feet off the  
9                   property line to the fence and then having the  
10                  greenery on his side would be okay?

11                  MEMBER TULLEY: That's fine.

12                  MEMBER MAWHIRTER: Sure.

13                  MR. WALSH: Would that obviate the need  
14                  for the triangle then?

15                  MEMBER HANSON: Then you wouldn't.

16                  MEMBER TULLEY: You are right, you  
17                  wouldn't need the triangle then.

18                  MR. GRAY: That will make things a  
19                  little more uniform.

20                  MEMBER TULLEY: Yeah.

21                  MEMBER MAWHIRTER: Pull the masonry  
22                  wall back to match that.

23                  MR. GRAY: They are saying to just move  
24                  this in, keep the fence on the outside, the  
25                  greenery is there, just move it in 4 feet and

1 no chamfer on the corner.

2 MR. GANGADIN: Okay. 4 feet all the  
3 way down?

4 MR. GRAY: I would say yes.

5 MR. GANGADIN: When they come in 4 feet  
6 here it gets tighter here.

7 MR. GRAY: That's the whole length of  
8 the fence and the greenery, the whole length on  
9 Linmouth pushing in 4 feet.

10 MEMBER TULLEY: Yes.

11 MR. GRAY: Would that be acceptable?

12 MR. GANGADIN: Can we make an exception  
13 for 3, 3 feet?

14 MR. GRAY: Also it will be interesting  
15 to know -- the actual property line is usually  
16 not on the sidewalk. Is there a sidewalk  
17 there?

18 MR. GANGADIN: Yes.

19 MEMBER TULLEY: Yes, there is a  
20 sidewalk.

21 MR. GRAY: Usually the property line is  
22 not on the side where the sidewalk ends and the  
23 grass is, usually we have to confirm, but  
24 usually the property line is a little bit onto  
25 the front lawn, you know, so that would have to

1           be confirmed actually.

2                       So in reality there might be a little  
3           extra property that really doesn't belong to  
4           him, would be of greenery anyway. So that  
5           needs to be confirmed exactly.

6                       But typically in my findings the  
7           property line is usually never at the edge of  
8           the sidewalk where grass begins, usually it's a  
9           little bit onto the property. Always that  
10          little bit of no man's land. Like I said, it  
11          would have to be physically measured.

12                      MR. WALSH: You have a survey. Do you  
13          have a survey with you?

14                      MR. SANTORA: I have one here.

15                      MR. WALSH: Try and get the answer to  
16          that.

17                      MR. GRAY: We physically would have to  
18          measure from the face of the building to where  
19          that sidewalk actually is.

20                      MR. WALSH: Unless it's dimensioned on  
21          the survey.

22                      MR. GRAY: I will take a moment just to  
23          take a look at the survey.

24                      MEMBER TULLEY: We have the survey up  
25          here. We will pass it along.

1                   MR. GRAY: Got it.

2                   MEMBER HANSON: Looks like one-tenth of  
3 a foot.

4                   MR. WALSH: It goes right to the  
5 sidewalk.

6                   MR. GRAY: I see the current fence  
7 there is .1 feet. So it's right there, okay.

8                   MEMBER MAWHIRTER: A little more than  
9 an inch.

10                  MR. GRAY: That confirms that.

11                  MR. WALSH: And not to split hairs,  
12 what I see here is once you don't put enough  
13 room outside, you don't have enough room, and  
14 someone actually maintains, grows grass or does  
15 something there and you wind up with a crappy  
16 piece that nobody cares about and it looks  
17 terrible from the street. Providing the extra  
18 foot on that side will give hopefully  
19 motivation for you to maintain that outside as  
20 a strip of grass, if that's what you choose to  
21 do, or other plantings over there that aren't  
22 going to go over the sidewalk, that they will  
23 be able to fit nicely there and it will look  
24 like it was intended.

25                  MR. GANGADIN: You see the reason also

1           why I wanted to keep the evergreen on the  
2           inside, you know, when it sprang out, when  
3           anyone is walking it hit them in their face or  
4           anything like that, so that's why I said, okay,  
5           3 feet and I put the evergreen on the inside.

6                   MR. WALSH:   So I say you are right  
7           about the one part, so it's 4 feet you put it  
8           on the inside and it doesn't spring out.  It's  
9           3 or 4 and the Board makes that decision.  You  
10          are correct about that.

11                   MR. GANGADIN:  I mean, I think 3 is a  
12          nice number.

13                   MR. SANTORA:  Regarding the planters  
14          sticking out, you have to trim them anyway as  
15          far as the Village property maintenance goes.

16                   MR. GANGADIN:  I want to make this  
17          property as beautiful as possible.

18                   MEMBER HANSON:  I want you to make this  
19          property as beautiful as possible.

20                   MEMBER MAWHIRTER:  The renderings are  
21          beautiful.

22                   MR. GANGADIN:  I am spending so much  
23          money on this place, trust me, I want it to  
24          stand out and look nice.

25                   MR. GRAY:  Showpiece for Malverne.

1                   MR. GANGADIN:  Yup, that is the correct  
2                   word.

3                   MEMBER McDONALD:  Nothing about the  
4                   fence.

5                   But I am just curious about the cabana.  
6                   What's going to be there, is it going to have a  
7                   kitchen?

8                   MR. GRAY:  Yes.

9                   MR. GANGADIN:  I will have a grill, a  
10                  sink.

11                  MR. GRAY:  There is a plan.  Did you  
12                  see?

13                  MEMBER McDONALD:  I'm sorry, I did not  
14                  see.

15                  MR. GRAY:  May I show you?

16                  MEMBER McDONALD:  So the garage is --  
17                  the whole garage is going to be the cabana?

18                  MR. WALSH:  Not the garage.

19                  MEMBER TULLEY:  No, no, no, no, no,  
20                  garage got nothing to do with it.

21                  MEMBER McDONALD:  I'm thinking cabana  
22                  like the --

23                  MEMBER TULLEY:  No.

24                  MR. GRAY:  There is an application we  
25                  had filed that does not have to go before the



1           Board. But being that the garage is very  
2           large, we had an application to use a little  
3           bit of the rear portion of the detached garage  
4           to have a toilet room, and also to house the  
5           pool equipment so that won't be seen, to  
6           contain all that to make it nicer.

7                   MEMBER McDONALD: I am thinking of,  
8           like, down at one of the beach clubs, the  
9           cabana where everything is inside.

10                   MR. GRAY: Contained within the  
11           detached garage there is an application to have  
12           a toilet room inside and also a equipment room  
13           to keep the pool equipment, the heater and the  
14           filter out of sight.

15                   MR. WALSH: A toilet room?

16                   MR. GRAY: Yes.

17                   MR. WALSH: You can put a toilet? Are  
18           you going to pump it out to the public system?

19                   MR. GRAY: Connect to the sewer.

20                   MR. WALSH: Okay. You have that. You  
21           are going to have to run it. That's fine,  
22           okay.

23                   A lot of people try to put a dry well,  
24           but you can't.

25                   MR. GRAY: That's not nice.

1                   MR. WALSH: I know.

2                   MR. GRAY: Black water.

3                   MR. WALSH: Not here.

4                   MR. SANTORA: The building department  
5 would not allow that.

6                   MR. WALSH: Can I ask a question? You  
7 are going to have music, I assume, in this?

8                   MR. GANGADIN: You know what, to be  
9 honest with you, my phone and my small, you  
10 know, box.

11                  MR. WALSH: So my condition, I am  
12 thinking, because looking at the way this is  
13 going to lay out, that outdoor area, that  
14 cabana is in one property, if you want to hear  
15 the music on the other side of that property  
16 it's going to have to be pretty loud and it's  
17 going to be elevated potentially if you put  
18 speakers in there.

19                  We have rules on sound, but for this  
20 purpose if you do use and install fixed  
21 speakers in the cabana they have to face  
22 towards the house, we don't want -- you have a  
23 neighbor right there.

24                  MR. GANGADIN: Correct.

25                  MR. WALSH: If the Board wants to make

1           that a condition I think that would be prudent.  
2           You have ground speakers or rocks that sing,  
3           you have to keep them quiet, but this is a  
4           little different when it's elevated.

5                     MR. GANGADIN:   Okay.

6                     MR. SANTORA:   We have a peace and good  
7           order section in the pool area of the code  
8           which covers a lot of that also, besides our  
9           new sound ordinance.

10                    MEMBER MAWHIRTER:   Does the Board have  
11           a concern if we accept 3 foot?

12                    MEMBER SALOGUB:   No.

13                    MEMBER TULLEY:   No.   We will go with  
14           that.

15                    MR. GANGADIN:   Thank you, I appreciate  
16           it very much.

17                    MR. WALSH:   3 feet?

18                    MEMBER MAWHIRTER:   3 feet.

19                    MR. GANGADIN:   First time for  
20           everything.

21                    MS. SCHNAARS:   Do we want to go one  
22           application at a time?

23                    MEMBER MAWHIRTER:   I was going to ask  
24           that question.

25                    MS. SCHNAARS:   I will read off the

1 application and you can ask for the motion and  
2 do that.

3 MEMBER MAWHIRTER: Counselor, do you  
4 have any other questions?

5 MR. WALSH: No, I am done. Thank you.

6 MEMBER HANSON: One more question. The  
7 space on the railings on the fence, how wide is  
8 that?

9 MR. GRAY: Will have to be less than  
10 4 inches. That would be following a guardrail  
11 code rule.

12 MR. SANTORA: What I would like to say  
13 to the Board too is, despite, as you know that  
14 Malverne has a 5 foot solid fence rule around a  
15 pool, you are going to get relief with this  
16 open fence, but for this space in no way, shape  
17 or form you are still going to have to meet New  
18 York State Code on the fence barrier, which is  
19 what the member was referring to that Chris was  
20 mentioning, yes.

21 MS. SCHNAARS: Pool Permit Application  
22 2024-0496, proposes to install 20 foot by 40  
23 foot inground swimming pool with a dry well in  
24 the rear yard with proposed lot coverage of  
25 25.9 percent.

1                   MEMBER HANSON: I make a motion to pass  
2 as-is.

3                   MEMBER TULLEY: I'll second.

4                   MS. SCHNAARS: Building Permit  
5 Application Number 2024-0498, proposes to  
6 construct a 300 square foot open sided pool  
7 cabana with outdoor seasonal kitchen in the  
8 rear yard, with a proposed lot coverage of 25.9  
9 percent and a proposed height of 12 feet.

10                  MEMBER MAWHIRTER: Before we go  
11 forward. Don't we have to take a vote on each  
12 individual motion and second? I don't believe  
13 we voted.

14                  MEMBER TULLEY: Motion.

15                  MEMBER HANSON: Second.

16                  MEMBER MAWHIRTER: So we have a motion  
17 and second on the first application.

18                  MS. SCHNAARS: For the pool  
19 application?

20                  MEMBER MAWHIRTER: Pool application.

21 All in favor.

22 (Chorus of ayes.)

23                  MEMBER MAWHIRTER: Opposed?

24 (Whereupon, there was no response.)

25                  MEMBER HANSON: Before you read the

1           next one, can I have a clarification? Isn't it  
2           that it has to be lower to 10 feet, what was  
3           the story with the cabana?

4                   MR. GRAY: The maximum height of an  
5           accessory structure is 10 feet, and we proposed  
6           one of 12 feet, yes.

7                   MEMBER HANSON: So that's what you are  
8           putting in?

9                   MR. GRAY: Yes.

10                   MS. SCHNAARS: So for the Application  
11           2024-0498, the proposed 300 square foot open  
12           sided pool cabana with outdoor seasonal kitchen  
13           in the rear yard, with a proposed lot coverage  
14           of 25.9 percent and a proposed height of  
15           12 feet.

16                   MR. WALSH: With the condition that any  
17           speakers that are affixed to the cabana be  
18           facing the residence.

19                   MEMBER MAWHIRTER: Do I have a motion?

20                   MEMBER McDONALD: I'll make a motion.

21                   MEMBER MAWHIRTER: Second?

22                   MEMBER TULLEY: Second.

23                   MEMBER MAWHIRTER: All in favor?

24                   (Chorus of ayes.)

25                   MEMBER MAWHIRTER: Opposed?

1                   (Whereupon, there was no response.)

2                   MS. SCHNAARS:   Building Permit  
3                   Application 2024-0607, proposes to construct  
4                   patio, masonry fire pit, and 3-foot-high  
5                   planter retaining wall in the rear yard and  
6                   front yard on Linmouth Road; the proposed patio  
7                   is closer to the street (Linmouth Road) than  
8                   the building line where no accessory structure  
9                   shall be located closer to the street than the  
10                  existing building line; the proposed patio  
11                  setback to the west side property line is  
12                  0 feet where a minimum setback of 4 feet is  
13                  required; the proposed masonry fire pit is  
14                  located in the front yard on Linmouth Road with  
15                  an approximate 12 foot setback where no  
16                  accessory structure shall be located closer to  
17                  the street than the existing building line; and  
18                  the proposed 3-foot-high planter retaining wall  
19                  is partially located in the front yard on  
20                  Linmouth Road with a 0 foot setback where no  
21                  retaining wall may be constructed in a front  
22                  yard.

23                  MEMBER HANSON:   So we have to change  
24                  that.

25                  MEMBER TULLEY:   We have to change that

1 to a 3 foot setback.

2 MS. SCHNAARS: Conditional.

3 MR. WALSH: Yes, the applicant -- just  
4 for the record, the applicant has agreed to  
5 amend that request to provide that the fence  
6 along Linmouth will be 3 feet from the property  
7 line.

8 MR. GRAY: And no chamfer will be  
9 required.

10 MR. WALSH: Well, we didn't ask for it  
11 so it's not required.

12 MEMBER MAWHIRTER: Do we have a motion?

13 MEMBER TULLEY: I'll make a motion to  
14 accept it with the variance of a 3 foot  
15 setback.

16 MEMBER MAWHIRTER: Second?

17 MEMBER HANSON: I'll second.

18 MEMBER MAWHIRTER: All in favor?

19 (Chorus of ayes.)

20 MEMBER MAWHIRTER: Opposed?

21 (Whereupon, there was no response.)

22 MS. SCHNAARS: HVAC Permit Application  
23 2024-0136, proposes to install three central  
24 A/C exterior condensers in the front yard on  
25 Linmouth Road; the proposed condensers are



1 closer to the street than the building line  
2 where no accessory structure shall be located  
3 closer to the street than the existing  
4 building.

5 MEMBER HANSON: I accept the motion.

6 MEMBER MAWHIRTER: Second?

7 MEMBER TULLEY: Second.

8 MEMBER MAWHIRTER: All in favor?

9 (Chorus of ayes.)

10 MEMBER MAWHIRTER: Opposed?

11 (Whereupon, there was no response.)

12 MEMBER MAWHIRTER: Okay.

13 MR. GANGADIN: Thank you.

14 MS. SCHNAARS: Fence Permit Application  
15 2024-0499, proposes to install a rear facing  
16 5-foot-high solid masonry fence located in the  
17 rear yard and front yard on Linmouth Road;  
18 proposes to install 5-foot-high total height  
19 (4-foot-high metal open picket on 1-foot-high  
20 solid masonry wall) front yard facing fence on  
21 Wright Avenue and Linmouth Road; proposes to  
22 install side yard facing 5-foot-high total  
23 height (4-foot-high metal open picket on a  
24 1-foot-high solid masonry wall) part of which  
25 is a pool safety barrier; and proposes to

1           install an interior 5-foot-high metal open  
2           picket fence as pool safety barrier; portions  
3           of the proposed fencing are located in the  
4           secondary front yard on Linmouth Road and  
5           portions of the proposed fencing do not meet  
6           requirements of a decorative fence in the  
7           secondary front yard on Linmouth Road in height  
8           and location with a 0 foot setback where the  
9           allowable setback is 11.2 feet and the proposed  
10          total height of 5 foot is higher than the  
11          allowable 4 foot; the proposed rear facing  
12          fence is constructed of solid masonry, which is  
13          one of the prohibited fence types, and portions  
14          are proposed to be located in the front yard on  
15          Linmouth Road with a setback of 0 feet where  
16          the allowable setback is 11.2 feet; portions of  
17          the proposed fencing surrounding the swimming  
18          pool are open picket style fencing as a pool  
19          safety barrier enclosure where the required  
20          pool safety barrier is solid type fencing.

21                   MR. WALSH: To that application as to  
22                   the fencing along Linmouth, as the applicant  
23                   has indicated a willingness to amend his  
24                   application to reduce the fence towards the  
25                   house and provide a 3 foot setback along

1           Linmouth; and as to the rear yard stone wall,  
2           the Board approves its location but defers to  
3           the Trustees and Architectural Review for the  
4           composition of the stone wall.

5                     MEMBER MAWHIRTER:   Do I have a motion?

6                     MEMBER TULLEY:    I'll make a motion to  
7           accept it with the changes made.

8                     MEMBER McDONALD:   I'll second it.

9                     MEMBER MAWHIRTER:   All in favor?

10                    (Chorus of ayes.)

11                    MEMBER MAWHIRTER:   Opposed?

12                    (Whereupon, there was no response.)

13                    MR. GRAY:   Very good.   Case closed.

14                    MEMBER HANSON:   That's it.

15                    MR. GRAY:   Thank you.

16                    MEMBER MAWHIRTER:   Do I have a motion  
17           to close?

18                    MEMBER McDONALD:   Motion to close.

19                    MEMBER MAWHIRTER:   Second?

20                    MEMBER SALOGUB:   Second.

21                    MEMBER MAWHIRTER:   All in favor?

22                    (Chorus of ayes.)

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

25

## 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 January, 2025.

---

MARY KATE WALDRON