

MINUTES  
BOARD OF APPEALS  
VILLAGE OF THOMASTON  
VIA ZOOM

April 1, 2021

PRESENT: Nick Toumbekis, Chair  
Michael Nikrooz, John Pschenica, Lawrence Greengrass, and  
Lawrence Levy, Members  
Denise Knowland, Village Clerk  
Linda Earley, Deputy Village Clerk  
Brian S. Stolar, Village Attorney

Due to public health and safety concerns related to COVID-19, and pursuant to the Governor's Executive Orders, the meeting and public hearings were held by videoconferencing, through Zoom. The meeting was recorded and a transcription will be provided at a later date.

The hearing notices for the applications provided the method for public participation, including the opportunity to submit comments through electronic mail before and during the hearings, or through Zoom videoconferencing during the hearing. The Zoom sign in information was provided in the hearing notices. The applicants presented their applications through Zoom videoconference. Upon the completion of the presentations for the respective applications, the Board asked whether any person sought to make a public comment on the respective application. As provided in the hearing notices, public comment could be made either by participating in the Zoom meeting or by submitting comments by email before or during the meeting.

The application materials were made available for viewing and downloading, on the Village website, before and during the application.

The Board called the meeting to order at 6:00pm.

The Board opened the public hearing on the of 805 N. Blvd. LLC, 608 Fifth Avenue, Suite 1001, New York, New York, 10020 to install a ground sign, which requires variances of Village Code §203-85.7(B), in that the proposed sign is (i) 60 square feet, where a maximum of 30 square feet is permitted, and (ii) 13.25 feet in height, where a maximum of 9 feet is permitted. Premises are designated as Section 2, Block 262, Lots 10-13 on the Nassau County Land and Tax Map.

The application was presented, via Zoom, by Joe Yacobellis and Sassa Cheli-Hali. The hearing was recorded, and a transcription will be provided at a later date. Upon the completion of the testimony of the applicant's representatives, the Chair inquired whether any member of the public sought to comment and whether the Village had received any email comments. No member of the public sought to speak and the Deputy Village Clerk advised that no comments were received by email.

During the hearing, the applicant's representative informed the Board that the site plan (drawing A-100) dated November 23, 2020 represented the proposed plan, and advised the Board that the sign is 1.83 feet inside the front property line.

On motion duly made by the Chair, seconded by Mr. Levy, and adopted unanimously, the Board closed the public hearing, and reserved decision.

The Board discussed the application. On motion by the Chair, seconded by Mr. Greengrass, and adopted unanimously, the Board declared itself as lead agency under SEQRA and determined that the application was a Type II matter under SEQRA which requires no environmental review, and granted the variances, on the conditions that (i) the signage shall be maintained in good repair and free from damage or disrepair, (ii) at all times, except as permitted by the variances granted herein and any other variances granted by this Board, the signage shall contain no moving or flashing images and shall

otherwise comply with all applicable Village Code sign provisions as set forth in Village Code §203-85.8 and other applicable sections, (iii) there shall be no additional or new wall signage, as combined with the proposed sign such additional signage may overpower the view and streetscape aesthetics, (iv) no later than six (6) months after the filing of this decision with the Village Clerk the applicant shall obtain all required licenses and permits; (v) no later than one (1) year from the date the applicant obtains such permit the applicant shall obtain all required certificates of occupancy and/or completion for the improvements proposed on the plans submitted to this Board, to the extent approved herein; (vi) if the applicant requires an extension of time to obtain all required certificates, the applicant may make a written request to the Board to consider an extension, which the Board may consider without a public hearing if the extension request is timely made prior to the expiration of the time period to obtain all certificates, and (vii) all approved and authorized work shall conform to the November 23, 2020 plans submitted to the Board, as authorized by this approval.

The Board opened the public hearing on the application of Alan J. Cooper, 1047 Old Northern Boulevard, Roslyn, New York, 11576, as agent for David and Janice Yamins, 180 Schenck Avenue, Thomaston, New York, for variances of Village Code §203-122(A) to install three (3) air conditioner units in a side yard, 11 feet from a property line, and one (1) air conditioning unit in a side yard, 8.42 feet from a property line, where all air conditioning equipment is required to be located in a rear yard, immediately adjacent to the rear wall of the building and at least 20 feet from a property line. Premises are designated as Section 2, Block 255, Lots 46-50 on the Nassau County Land and Tax Map.

The application was presented, via Zoom, by Alan Cooper, David Yamins and Janice Yamins. The hearing was recorded, and a transcription will be provided at a later date. Interested members of the public testified, via Zoom.

After hearing all such comments, on motion duly made by the Chair, seconded by Mr. Levy, and adopted unanimously, the Board closed the hearing.

The Board discussed the application. All members of the public present during the hearing remained present for the discussion of the application. The Board noted that the application did not include specifications for the proposed units, and also did not include additional details regarding the sound impacts and potential sound attenuation measures. The Board also noted that a variance would be required for any proposed location of the units given the lot location and configuration and the current location of the dwelling on the premises. After such discussion and after noting that all members of the public present during the hearing remained present, on motion duly made by the Chair, seconded by Mr. Pschenica, the Board rescinded its motion to close the hearing and continued the public hearing to May 6, 2021, at 6:00pm.

There being no further business, the meeting was adjourned at 7:52 pm.

THE ABOVE MINUTES WERE FILED IN  
THE OFFICE OF THE VILLAGE CLERK  
OF THE INCORPORATED VILLAGE OF  
THOMASTON AT

TIME: 12:35 A.M./P.M. on

DATE: 4/8/21  
(Month) (Day) (Year)

BY: Denise M. Knowland  
(Print full name of filer)