

MINUTES
BOARD OF APPEALS
VILLAGE OF THOMASTON
VIA ZOOM

May 6, 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 6:07pm.

The Board opened the public hearing on the 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, 11.1 feet from a property line, and one (1) air conditioning unit in a side yard, 8.6 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. On motion by the Chair, seconded by Mr. Nikrooz, 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 units not exceed 75 dBa, at the property line; (ii) all sound dampening methods contained with the manufacturer's specifications for each unit shall be provided by the applicants; (iii) the applicants plant evergreen screening as a sound buffer around the units, and shall maintain such screening for as long as the units are located as approved herein; (iv) no later than six (6) months after the filing of this decision with the Village Clerk, the applicants shall obtain all required licenses and permits; (v) no later

than one (1) year from the date the applicants obtain 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; and (vii) all approved and authorized work shall conform to the plans submitted to the Board, as authorized by this approval.

The Board opened the public hearing on the application of Jessica LaScala and Justin Kornvein, 1 North Avalon Road, Thomaston, New York, for variances to construct an addition and air conditioning unit, which construction does not comply with the following Village Code provisions: (a) Village Code §203-19(C)(3), in that the side yard setback will be 8.8 feet, where a minimum of 10 feet is required, and the aggregate side yard setback will be 18 feet, where a minimum of 24 feet is required; (b) Village Code §203-99(A), in that the addition increases existing zoning non-conformities, with regard to the side yard setback and aggregate side yard setback; (c) Village Code §203-18, in that the building area will be 2,656.3 square feet, where a maximum of 2,572.85 square feet is permitted; and (d) Village Code §203-122(A) in that an air conditioning unit is located in a side yard, 10 feet from the side property line, where an air conditioning unit is required to be located in a rear yard, immediately adjacent to the rear wall of the building, and at least 20 feet from any property line. Premises are designated as Section 2, Block 262, Lot 500 on the Nassau County Land and Tax Map.

The application was presented, via Zoom, by Stuart Narofsky and Justin Kornvein. The hearing was recorded, and a transcription will be provided at a later date. No interested members of the public testified or submitted comments.

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

The Board discussed the application. On motion by the Chair, seconded by Mr. Pschenica, 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 proposed front porch remains open and not enclosed at any time; (ii) applicants plant evergreen screening as a sound buffer around the units, and shall maintain such screening for as long as the units are located as approved herein; (iii) no later than six (6) months after the filing of this decision with the Village Clerk, the applicants shall obtain all required licenses and permits; (iv) no later than one (1) year from the date the applicants obtain 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; and (v) all approved and authorized work shall conform to the plans submitted to the Board, as authorized by this approval.

There being no further business, on motion duly made by the Chair, seconded by Mr. Greengrass, and unanimously approved, the meeting was adjourned at 7:19 pm.

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

TIME: 9:25 A.M./P.M. on

DATE: May 18, 2021
(Month) (Day) (Year)

BY: Aruda Earley
(Print full name of filer)