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ZONING BOARD

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VILLAGE OF NORTH HAVEN

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Held at:

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335 Ferry Road

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Sag Harbor, New York 11963

12

May 9, 2023

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7:00 p.m.

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Proceedings Recorded by

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Electronic Sound Recording

Transcribed by: Agata Davis

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A P P E A R A N C E S:

Mark Poitras, Chairperson

Scott Brooks, Board Member

Steve Hatfield, Board Member

Steve Cox, Board Member (Absent)

Michael D'Angelo, Board Member

Michael Daly, Alternate Board Member
(Absent)

Scott Middleton, Esq., Village Attorney

George Butts, Village Building Inspector

Eileen Tuohy, Village Clerk/Treasurer

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CHAIRMAN POITRAS: Good evening, everyone. Welcome to the Tuesday, May 9th, 2023 Zoning Board of Appeals for the Village of North Haven meeting.

Our first item for the agenda this evening is, I just need a motion from a Board Member just to approve the February 14th, 2023 transcript.

MR. BROOKS: Aye.

CHAIRMAN POITRAS: Motion by Mr. Books. Second?

MR. D'ANGELO: (Raises hand.)

CHAIRMAN POITRAS: Mr. D'Angelo. All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN POITRAS: All members in favor.

We have no Correspondence. This evening we have two applications.

The first application is ZBA #419A, Joan Caspi. The property is located at 219 Ferry Road, North Haven, New York. Suffolk County Tax Map No. 901-4-2-3. The applicant seeks relief

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from Section 163-10E(8)(b) of the Village Code. The Code states that the setback from any property line for a swimming pool, including any decks or slabs or structures accessory to said swimming pool, shall not be less than 20 feet on a lot having an area less than 40,000 square feet. The setback of the swimming pool coping is located 19 feet from the property line. The subject premises is bounded by Ferry Road/Route 114, Aldred, Harris and Crowley.

So for this application, the deputy chair is going to run this application 'cause I have to recuse myself as I am also one of the neighbors here for this project, so.

MR. BROOKS: I'll go find you after --

CHAIRMAN POITRAS: Yeah.

MR. MIDDLETON: We'll get you.

CHAIRMAN POITRAS: That's it. You know where to find me.

(Chairman Poitras recused himself

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2 from the following hearing and left the
3 room.)

4 MR. BROOKS: Is there anyone here
5 for the applicant? Yeah, if you guys can
6 come up. Just before you begin, just give
7 your names and address for the record.

8 MS. CASPI: Joan Caspi. Who do I
9 give it to?

10 MR. BROOKS: Just say it out loud.

11 MS. CASPI: Oh, Joan Caspi, 219
12 Ferry Road.

13 MR. BROOKS: Okay. And?

14 MR. CICERELLI: Hi. Sal
15 Cicerelli, 206 Academy Street, Bayport.

16 MR. BROOKS: Okay. And you are?

17 MR. CICERELLI: I'm the architect.

18 MR. BROOKS: Architect. Okay.

19 And so as I understand it, and
20 I'll let you guys speak to it, as I
21 understand it, the pool was already
22 installed and it was installed less than
23 the 20 feet from -- that's the required
24 setback.

25 So just to get really specific,

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2 'cause I have this survey but I don't
3 entirely follow. So there's pool, and
4 then is there bluestone paver or
5 something?

6 MR. CICERELLI: Yeah. It's the
7 one-foot of coping --

8 MS. CASPI: One foot.

9 MR. CICERELLI: -- that seems to
10 be throwing it off.

11 MR. BROOKS: All right. So is
12 that -- is the blue- -- could one remove
13 the bluestone and then be 20 feet away?

14 MR. HATFIELD: Is it a gunite?

15 MS. CASPI: It's a gunite pool,
16 yeah.

17 MR. HATFIELD: So the walls of the
18 gunite are probably about a foot thick,
19 and you typically just put --

20 MR. BROOKS: Bluestone right over
21 the -- okay, so it's --

22 MR. HATFIELD: My guess is the
23 interpretation was the pool, the inside
24 edge of the pool instead of the coping
25 when they put it in.

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MS. CASPI: That's really what happened.

MR. BROOKS: And that would not be a good interpretation.

MR. HATFIELD: No.

MR. BROOKS: Was there any --

MR. HATFIELD: But it's understandable. I mean, I think 20 feet from a pool -- what is the pool? Is it the outside edge of the concrete wall or the inside edge of the pool?

MR. BROOKS: Yeah. I mean, you know, "Officer, I didn't know that speeding was illegal" isn't really a --

MR. CICERELLI: Sure.

MR. BROOKS: -- good defense, either.

So, I mean, just to better understand it, was there an awareness? Like, who laid out where the pool was supposed to go? Is that something --

MS. CASPI: The pool company did. And I was told by the owner of the pool company, because when this all happened I

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2 called him, and he said that he had been
3 doing this, installing building pools for
4 50 years in The Hamptons, and it's always
5 been 20 feet from the water line, which it
6 is, and he didn't know about the coping
7 part.

8 MR. MIDDLETON: Who put the pool
9 in?

10 MS. CASPI: The -- Clearwater
11 Pools.

12 MR. MIDDLETON: Clearwater?

13 MR. BROOKS: I mean, the
14 difficulty we have as a Board whenever
15 there's a variance request is to try to
16 consider how this impacts us, and 20 feet
17 is not very far. And I -- not that I've
18 been on this Board forever, but I've been
19 on the Board for, I think, about 17 years
20 now and we've never deviated from the 20
21 feet on a setback like this.

22 And the concern is always when
23 someone says, comes to us and says, "Hey"
24 -- like, if you had come to us and said it
25 would really make it a lot easier if we

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1 were 19 feet, we would have just said no.
2 Like, there's a feasible alternative,
3 which is just build a smaller pool or
4 build it closer to the house or -- right.
5 So we would not have granted that kind of
6 variance and we never have because the
7 next guy that comes in and requests a
8 variance like this, and, say, they're, I
9 don't know, 18'6", they're gonna say,
10 "Well, you just granted one for 19." And
11 then the next guy that's gonna come in and
12 say, "Well, I'm 18," and then he's gonna
13 say, "Oh, well, you just granted 18.6."

14 MR. HATFIELD: Right.

15 MR. BROOKS: And so the difficulty
16 we have is the fact that a mistake was
17 made, a measurement was incorrect, in
18 theory, shouldn't give you an advantage
19 over someone who comes in and asks
20 correctly before they do it, right. It's
21 very difficult to say, oh, well, you made
22 a mistake so we'll give you a benefit that
23 would be unavailable to anyone else who
24 did it the correct way by coming to us
25

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ahead of time.

So, I mean, I just struggle with this because I know how this Board has worked over the many years I've been on it, that there's always a next applicant and there's -- you know, and I understand that -- I mean, I haven't been out with the precise measurements to know whether it's 18'6", eighteen- -- someone's rounding up so it's close enough. But it's, you know, if it was, like, two inches off, no one would even know and no one would even care, but it's obviously more than that. And it's -- so it's very difficult for me to feel really comfortable with it. But I'm just one of the members on the Board. I mean, Steve -- Steve's an architect.

MS. CASPI: I don't know if it should matter because, obviously, things are case by case, but this part of the pool that they're discussing or is up for discussion, is literally -- faces a 20-acre reserve. I mean, there's no one

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2 that's disturbed by this, nor has any
3 neighbor made any motion that this is
4 terrible and, "You're interfering with my
5 lifestyle." I mean --

6 MR. BROOKS: Right.

7 MS. CASPI: -- there's, like, a
8 forest, sort of, I guess you'd say, 'cause
9 it's lots of trees, behind me, and then to
10 the right where the pool ends is a whole
11 20 acres of reserve.

12 MR. BROOKS: So the entire area
13 adjacent is all reserve?

14 MS. CASPI: Yeah.

15 MR. BROOKS: There's -- none of
16 that backs up to the street Mark lives on,
17 on the back side there? That's all --

18 MS. CASPI: No. It's all in the
19 back.

20 MR. BROOKS: That's all the
21 reserve.

22 MR. MIDDLETON: Is there any
23 reason that the company or individual that
24 made the error isn't here to tell us what
25 happened?

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2 MS. CASPI: Well, he just had a
3 stroke.

4 MR. MIDDLETON: Okay. Well,
5 that's a good enough reason.

6 MR. BROOKS: That's a pretty good
7 reason.

8 MS. CASPI: He doesn't really walk
9 very well.

10 MR. MIDDLETON: Is he -- is he
11 a -- I don't know the company. Is he a
12 solo or does he have people? I mean --

13 MS. CASPI: Yeah, he has people
14 working for him.

15 MR. MIDDLETON: Yeah.

16 MS. CASPI: He's been in business
17 50 years.

18 MR. MIDDLETON: I mean, is there
19 anybody else that can come in and explain
20 to us, you know, exactly what --

21 MS. CASPI: I don't know.

22 MR. HATFIELD: It sounds like
23 that's what he thought the rule was when
24 he said --

25 MS. CASPI: Yeah. Thank you.

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MR. HATFIELD: -- do it for 50 years and it's always -- his understanding was that it's always been to the inside edge of the pool as opposed to the outside, which I don't know. It's not the way it works with houses.

MS. CASPI: I mean, no one is trying to get over on anyone. It was just --

MR. HATFIELD: You know, houses to the outside of the wall.

MR. MIDDLETON: Right.

MR. HATFIELD: Not the inside of the house.

MR. BROOKS: Everything I've ever seen -- I'm a real estate lawyer so I deal with --

MR. MIDDLETON: Yeah. I mean, to me, the structure is the structure.

MR. BROOKS: Right.

MR. HATFIELD: You look at, but, well, I mean, there are walls, retaining walls and things like that, that are -- don't --

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2 MR. BROOKS: But they're
3 subsurface, so they're --

4 MR. HATFIELD: They don't -- nor
5 does this project above grade. I mean,
6 based on the survey, it looks like it
7 was -- there's no reason why it couldn't
8 have been conforming.

9 MR. MIDDLETON: Right.

10 MR. HATFIELD: So it appears to
11 be, you know, quote, unquote, "an honest
12 mistake".

13 MR. CICERELLI: Yeah, there's
14 really no need for us to have to push it a
15 foot. I mean, it's no benefit either way.
16 I mean, we were also supposed to be 20
17 feet off the more northern side, which is
18 that reserve, and that got pushed, you
19 know, south of it, too, so.

20 MR. HATFIELD: So you were going
21 for 20 and 20 exactly and you got more on
22 one side and less on the other.

23 MR. CICERELLI: I mean, if this
24 was a foot closer to the house, it
25 wouldn't have made a difference.

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MR. BROOKS: Right. No, I totally -- I don't believe that anyone was intending to gain advantage of the yard space or anything as a result of this. I just -- and maybe it is a distinguishing feature, that the adjacent property is reserve and not gonna impact --

MR. HATFIELD: I think that's valid.

MR. BROOKS: Not gonna impact a neighbor.

MR. HATFIELD: I think there's almost zero impact --

MR. BROOKS: Yeah.

MR. HATFIELD: -- to neighboring properties.

And I think we could probably -- you know, we will get these again, mistakes. We get them. I think from looking at a survey and understanding the property, you can kind of infer whether it was an honest, unintentional mistake, or if somebody was trying to pull a fast one on us.

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2 MR. MIDDLETON: Right. If there
3 was -- I think that's a good assessment of
4 it. If there was a true benefit only to
5 the property owner in, you know, locating
6 it where it is, I think that would be
7 indicative of something intentional,
8 whereas this might be a little bit
9 different.

10 MR. BROOKS: Yeah. And I think, I
11 do think, given that it's forever reserve,
12 I mean, it's not like it's a vacant lot to
13 be developed at some point.

14 MR. MIDDLETON: Right.

15 MR. BROOKS: That that would be
16 something we could include in the
17 evaluation to try to distinguish it from
18 the next guy who comes in at 18'6" or 18
19 or 17.

20 MR. HATFIELD: Yeah, I like that,
21 that it shows no -- there's no clear
22 benefit to the applicant --

23 MR. MIDDLETON: Right.

24 MR. HATFIELD: -- doing it as
25 opposed to some other future mistakes that

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might come across --

MR. MIDDLETON: Right.

MR. HATFIELD: -- our desk.

MR. MIDDLETON: Building a pool four feet too high, I think, is different.

But is there any -- so what I would like to see, as the Village Attorney, is there anything that we can get, a letter or an affidavit, from the individual who built the pool? I don't know what condition he's in. And, of course, that would certainly have to come into play. I'm not suggesting, you know, if the person is too debilitated at this point to assist in any way, that we should delay things. But it might be helpful to the Board if we can get a letter or an affidavit from him indicating, you know --

MR. BROOKS: It was a good-faith mistake.

MR. MIDDLETON: -- "I've been building pools and this is the way we've measured them throughout the east end except for North Haven," you know, it

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2 might be helpful for this Board to just
3 show that it was truly an error, just a
4 mistake.

5 MS. CASPI: I can reach out and
6 try.

7 MR. MIDDLETON: Yeah. If you
8 could, I think that would be helpful. It
9 would be helpful for me in terms of
10 writing a decision that, you know, is --
11 protects the integrity of the Code and,
12 you know, doesn't set a bad precedent.

13 MR. BROOKS: It is unfortunate.
14 We're not -- I'm totally sympathetic, I
15 think we all are. We're not looking to
16 punish anybody.

17 It is unfortunate that the nature
18 of what we encounter are good-faith type
19 of mistakes and then people that are
20 trying to take advantage of thi- -- you
21 know, a lack of, you know, we don't have a
22 lot of post construction inspection that
23 goes on. We don't have code compliance
24 officers, or we're about to maybe have
25 some, but we haven't historically had code

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2 compliance officers. So there's a lot of
3 things that happened that then we have to
4 be really concerned with as a Board
5 because other people will be taking
6 advantage of it in a way that undermines
7 the Code, so.

8 Does anyone else have any
9 questions, or?

10 MR. HATFIELD: No. I mean, I
11 think given the nature of the adjoining
12 property, I think given the fact that
13 there's no clear benefit to the applicant
14 by making it 19 feet. And if there was
15 just a letter from the pool contractor
16 saying that it was his understanding that
17 it was to the inside edge, that I would be
18 in favor of the --

19 MR. BROOKS: Does that work for
20 you as well?

21 MR. D'ANGELO: Yeah, I agree 100
22 percent.

23 MR. BROOKS: Okay.

24 MR. HATFIELD: And typically, if,
25 you know, if that is the case, that people

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2 are measuring to the inside as the
3 outside, they will only be a foot off, I
4 mean, not that we're changing it from 19
5 feet, but --

6 MR. BROOKS: Yeah.

7 MR. HATFIELD: -- you know, if a
8 pool is three feet off or even, you know,
9 anything more than a foot off, then it was
10 something that was more than an oversight.

11 MR. BROOKS: Okay. Is there
12 anything else you would like to add or are
13 you okay with that?

14 MS. CASPI: No.

15 MR. BROOKS: Okay.

16 MS. CASPI: I mean, I don't know
17 how long --

18 MR. MIDDLETON: Just keep it open
19 'til the next meeting.

20 MR. BROOKS: So I guess we'll keep
21 it open 'til the next meeting, but if you
22 could just --

23 MS. CASPI: Can I just get the
24 letter, give it to you --

25 MR. BROOKS: Yes.

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2 MS. CASPI: -- and have it taken
3 care of?

4 MR. BROOKS: Yes.

5 MS. CASPI: I don't have to wait
6 another month --

7 MR. BROOKS: Well --

8 MS. CASPI: -- to have --

9 MR. MIDDLETON: We have to write
10 up a decision anyway.

11 MR. BROOKS: So we would -- at the
12 next meeting, we would, in theory, close
13 the record and --

14 MS. CASPI: Oh, I see.

15 MR. BROOKS: -- read the decision
16 into the record.

17 MR. MIDDLETON: Right.

18 MS. CASPI: And that's, like, the
19 next meeting or something?

20 MR. MIDDLETON: Next meeting,
21 right.

22 MR. BROOKS: Next month.

23 MS. CASPI: Which is a month?

24 MR. BROOKS: Yeah.

25 MS. CASPI: Is that what that is?

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MR. MIDDLETON: Yup.

MR. BROOKS: And then the pool's
already there, so.

MS. CASPI: I was afraid to go
into it until I had permission. My kids
can't go.

MR. BROOKS: Yeah. I -- we don't
typically read out decisions at --

MS. CASPI: So is there a person
in particular he has to write this to? I
mean --

MR. BROOKS: If they could be --

MS. CASPI: -- it would probably
be someone writing for him.

MR. MIDDLETON: You can address it
just to the Zoning Board.

MS. CASPI: Okay.

MR. MIDDLETON: Okay, and if you
want to put Scott Brooks as Deputy Chair,
you can do that as well.

MS. CASPI: Thank you.

MR. D'ANGELO: I just hope he
didn't have a stroke over stressing out
about this.

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MS. CASPI: I'm sorry, what?

MR. D'ANGELO: I said I just hope
he didn't have the stroke stressing out
about this.

MS. CASPI: Yeah, if he did, he'd
be telling me, I'm sure.

MR. CICERELLI: We're all in
trouble.

MS. CASPI: You would be. He's a
ex-marine.

Scott Brooks, did you say? So,
attention Scott Brooks.

MR. MIDDLETON: Yeah.

MS. CASPI: Okay.

MR. BROOKS: And, again, we're
really -- I hope you understand, we're not
trying to make this difficult. We're just
trying to, you know, do a fair job for the
Village and enforce the kind of concepts
of the Code.

MS. CASPI: So an actual letter or
an e-mail, because a letter is --

MR. BROOKS: Either. Either is
fine under the circumstances.

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2 MS. CASPI: Okay.

3 MR. BROOKS: That's fine.

4 MS. CASPI: So I would send an
5 e-mail to the Village?

6 MS. TUOHY: Let me write the
7 e-mail down.

8 MR. BROOKS: You could just send
9 it to Eileen.

10 MS. CASPI: I mean --

11 MR. BROOKS: Just use your e-mail.
12 That's easier.

13 MS. CASPI: I don't know if a
14 letter is an issue or not.

15 MR. BROOKS: I mean, I assume he's
16 got people that work for him. I mean,
17 they could partake in that.

18 MS. CASPI: He has a daughter.
19 Thank you.

20 MR. BROOKS: All right. So then
21 we will -- we'll have a decision at the
22 next --

23 MR. MIDDLETON: Yeah.

24 MR. BROOKS: -- at the next
25 meeting, which is the second Tuesday of --

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2 MR. MIDDLETON: If his letter
3 comes in and says, "I put it there because
4 that's where I wanted it, I thought it
5 looked best in the yard there," then you
6 have a problem.

7 MS. CASPI: As an aesthetic value
8 about --

9 MR. CICERELLI: (Inaudible) be
10 here next month?

11 MS. CASPI: Do I have to be here
12 or can I just get you the e-mail or
13 letter?

14 MR. BROOKS: You do not have to be
15 here for the decision to be --

16 MR. MIDDLETON: Right.

17 MR. BROOKS: -- valid.

18 MR. MIDDLETON: It's -- the next
19 one is June 13th.

20 MS. CASPI: What if I just have a
21 pool party next month?

22 MR. MIDDLETON: Don't invite us.

23 MS. TUOHY: You can also do -- you
24 can do Zoom, too.

25 MR. BROOKS: Yeah.

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2 MS. CASPI: Okay.

3 MS. TUOHY: We usually send out a
4 Zoom link.

5 MR. MIDDLETON: You know, if you
6 don't have anything additional to add, you
7 don't have to participate, obviously.

8 MS. CASPI: Okay, fine.

9 MR. MIDDLETON: But you can watch
10 on Zoom.

11 MS. CASPI: Yeah.

12 MR. MIDDLETON: And then the
13 decision would be made available to you
14 the next day or so, okay?

15 MS. CASPI: Okay, thank you.

16 MR. BROOKS: Okay. So with that,
17 we'll go to the next application. Want me
18 to get Mark or you'll get him?

19 MR. MIDDLETON: I'll get him.

20 (Chairman Poitras returned to the
21 room.)

22 MR. MIDDLETON: Okay. We'll just
23 note for the record that the Chair is back
24 in the room.

25 CHAIRMAN POITRAS: Okay. All

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right. So then we're on to our second application this evening, which is ZBA #420A, 45 Bay View Court LLC. The property is located at 45 Bay View Court, North Haven, New York. Suffolk County Tax Map No. 901-4-5-7. The applicant proposes to convert part of the existing detached garage to habitable space for accessory use. The height is proposed to remain 19'10". Section 163-31A(1) states that an accessory building shall not exceed 15 feet in height. The applicant proposes to install a toilet and shower in the existing detached garage. Section 163-31B states that no living quarters shall be permitted in an accessory building. The subject premises is bounded by Bay View Court, the Patrice Picone 2018 Insurance Trust, Gruenstein and West Banks Association, Inc.

MR. D'AGOSTINO: Good evening, Mr. Chairman, Board.

CHAIRMAN POITRAS: Good evening. Introduce yourself for the Board.

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MR. D'AGOSTINO: My name is Albert D'Agostino. I'm an attorney. Firm is Minerva & D'Agostino, P.C., 107 South Central Avenue, Valley Stream, New York. I actually live just on the other side of the ferry also, so it was convenient for me tonight, which is one of the reasons I'm here, but my clients are with me.

The subject property, 45 Bay View Court, is owned by 45 Bay View Court LLC, which is the applicant. The members of the LLC are members of the Morash family. Thomas Morash, Sr., who's sitting to my right, is the managing member. He's also the patriarch of the family.

The property that is before you tonight is occupied as a vacation, a weekend property by Mr. and Mrs. Morash. On weekends or whenever possible, they entertain their sons and grandchildren.

The applicant proposes to utilize a portion of the existing two-car garage for a toilet and shower to be utilized primarily in connection with the existing

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outdoor swimming pool, but not just for the convenience of the family.

Mr. Morash, who is in his 70s, is a cancer survivor. He has complicated comorbidities and health conditions. I have brought a letter from his physician, Dr. Scheer of Woodmere Medical Associates. Mr. and Mrs. Morash's primary residence is in Nassau County and Mr. Morash has been a patient of Dr. Scheer for the last 25 years. Dr. Scheer goes into some detail with regard to Mr. Morash's conditions and there's also a letter from Dr. Jermyn of St. Francis Hospital. If I might offer these offer these.

CHAIRMAN POITRAS: Submit those for the record?

MR. D'AGOSTINO: Yes. Thank you.

CHAIRMAN POITRAS: So let's separate these. We'll make the letter from Dr. Scheer Exhibit 1, the letter from Dr. Jermyn, if I'm saying that correct, Exhibit 2.

(Letter from Dr. Scheer marked

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Exhibit 1 in evidence.)

(Letter from Dr. Jermyn marked
Exhibit 2 in evidence.)

MR. D'AGOSTINO: So as I've said
and as the letters, or at least the first
letter from Dr. Scheer says, in some
detail, Mr. Morash is a cancer survivor.
I've mentioned it's complicated,
comorbidities and health conditions. He's
undergone a radical nephrectomy, which is
a kidney removal, followed by a bladder
procedure, which is part of the issue
relating to the -- his desire to have this
half bath.

In 2019 he also underwent a total
knee replacement. And during his
rehabilitation, he contracted a bacterial
infection. And he's suffering from a
systematic (sic) inflammatory response
syndrome and diabetes, all of which are
mentioned in the letter, and all of which
have left him in what his physician
describes as a severely weakened state.

He's also been diagnosed with

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1
2 congestive heart failure. He has some
3 mobility issues and he definitely has
4 issues being able to get to a bathroom,
5 which is the main reason why he's seeking
6 to -- seeking the Board's approval for
7 this half bath.

8 MR. HATFIELD: I think it's a full
9 bath.

10 MR. D'AGOSTINO: I'm sorry?

11 MR. HATFIELD: It's a full bath.

12 MR. D'AGOSTINO: Oh, is that a --
13 I thought it was a half -- sorry, shower
14 and, and -- yes, yes.

15 The -- so he also takes diabetic
16 medication, diuretics, which I think it's
17 stated in the physician's letter, pretty
18 much requiring him to remain in proximity
19 of them, within easy access to a bathroom
20 at all times.

21 As all of us do, he likes to enjoy
22 his pool with his family and his
23 grandsons. There are, obviously, existing
24 bathrooms in the house. One of them is
25 located 125 feet from the pool, which is

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150 feet from the outdoor area, and Mr. Morash actually measured that over the last day.

There are different levels. One of them requires him to diverse three sets of stairs totaling eight steps at three different and separate locations. There's also a basement bathroom, which would require him to descend 15 steps to the basement and another 30 feet to the bathroom. And obviously, Section 163-31B of the Village Zoning Ordinance prohibits living quarters in an accessory building. I think the notice refers to them as habitable quarters. The existing two-car detached garage is an accessory building. And also, as you're aware, there's no definition of a living area or habitable area in the Zoning Ordinance, but the chief building official has so interpreted it and that's why we're here.

The -- there's no thought of utilizing that garage for a separate apartment or anything like that. This is

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1
2 solely for the use of the Morash family
3 and primarily for Mr. Morash. There's no
4 intent to permit any person not related to
5 the immediate Morash family to utilize any
6 portion of the property in any way which
7 is inconsistent with it being zoned as a
8 single-family residence. And the Morash
9 family, of course, includes his children
10 and grandchildren and two
11 daughters-in-law.

12 It's primarily Mr. Morash's intent
13 to use the proposed bathroom in
14 conjunction with the existing swimming
15 pool. And it's a necessity to him, based
16 upon his medical issues and physical
17 condition and, frankly, his inability to
18 get to a bathroom.

19 MR. BROOKS: I'm sorry, just, I
20 don't have a floor-by-floor layout.
21 Maybe -- I don't know, is there a bathroom
22 on the first floor?

23 MR. D'AGOSTINO: There is. It is
24 some -- that's the first one that I
25 referred to. That one is, yeah, it's

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 right at the front of the house.

3 MR. BROOKS: I see. And the
4 distance to the -- where you propose to
5 put one in the garage is closer than the
6 house? 'Cause it looks like the garage
7 is --

8 MS. MORASH: It's not that it's
9 closer. It's that you have to -- you have
10 to climb all these steps.

11 MR. BROOKS: I see.

12 MR. HATFIELD: It's more towards
13 the front of the house, like --

14 MS. MORASH: Then you have to go
15 through the house. That's only -- that's
16 only into the door.

17 MR. HATFIELD: I'm just asking.

18 MR. D'AGOSTINO: That one, that
19 one's 125 feet from the pool, the one
20 we're referring to.

21 MR. BROOKS: There's no way to put
22 a bathroom -- I'm not -- again, I'm not
23 trying to -- you know, just trying to
24 figure it out.

25 MR. D'AGOSTINO: No, no.

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 MR. BROOKS: There's no way to put
3 a bathroom in the, you know, back side of
4 the house somewhere closer to the pool?
5 'Cause, gosh, it seems like it's actually
6 further to get to the garage if you're in
7 the pool than anywhere else on the
8 property.

9 MS. MORASH: It's basically that
10 when you're there, that he can sit by that
11 area and be with the grandchildren and he
12 would have access to the bathroom all on
13 one level.

14 MR. BROOKS: No, I understand.
15 I'm just looking for feasible
16 alternatives, like just instead of putting
17 the bathroom in there, put the bathroom
18 somewhere in the, you know, where there's
19 a pergola over existing terrace.

20 MS. MORASH: If I can move a
21 bathroom, I would have, because if you
22 look at the floor plan, which is not
23 ideal, when you're in the kitchen, you
24 have to --

25 CHAIRMAN POITRAS: We don't have a

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 copy of your floor plan. Do you have a
3 copy of that? We have a floor plan of the
4 garage, but --

5 MS. MORASH: You have to literally
6 go from the kitchen out --

7 MR. D'AGOSTINO: I think that's
8 all -- that's all I have.

9 MS. MORASH: -- to the dining room
10 and across.

11 MR. MIDDLETON: You guys have to
12 speak one at a time just because it's all
13 on the record, so.

14 MR. D'AGOSTINO: The pergola,
15 there is a pergola which is under
16 construction in -- I was gonna say in
17 front of the garage. It's closer to the
18 pool. And that's the part of the second
19 variance that's being requested, because
20 the garage, which is a pre-existing
21 structure, is, I believe, approximately
22 five feet above the height limitation,
23 which is 15 feet for that structure, and
24 the existing garage is 19.8.

25 CHAIRMAN POITRAS: So, I'm sorry,

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 you said something that there's a pergola
3 in addition to the garage, you're saying?

4 MR. MORASH: Could I explain to
5 you what happened?

6 Back in October we decided to put
7 a pergola up. So I came in and met with
8 George and I had the plan drawn and
9 everything was fine. The pergola was 90
10 percent complete as we stand. Since then,
11 my condition got worse, okay, and I'm
12 not -- gonna be honest, I'm urinating,
13 like, 20 times a day. And I came here and
14 I asked about a bathroom and I was told,
15 "Why don't you just go behind the bush,"
16 you know, but now I have no more bushes in
17 my yard. They're all dead. So I came
18 back couple of months ago and I decided to
19 try to put a bathroom in. George says,
20 "Well, you have to go for a variance."

21 But the pergola, on the first
22 permit which was issued, the pergola was
23 fine. It's just that because this
24 bathroom is in the garage, it changes the
25 use group and the pergola is approximately

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 18 inches higher than it should be.

3 CHAIRMAN POITRAS: So I'm just
4 trying -- our survey --

5 MR. MORASH: Right.

6 CHAIRMAN POITRAS: -- does not
7 have any pergola, so that --

8 (Crosstalk)

9 MR. BROOKS: It's a proposed
10 covered patio? I think that's what
11 they're calling the pergola.

12 CHAIRMAN POITRAS: What survey do
13 you have there? My survey doesn't have
14 that. The big one does not have that.

15 (Crosstalk)

16 MR. HATFIELD: That big one is not
17 a survey.

18 MR. BROOKS: Here. It's this
19 Barylski dated December 6th, 2020.

20 CHAIRMAN POITRAS: That's why I'm
21 looking at this saying, wait a minute,
22 where's the -- I don't know if this --

23 MR. BROOKS: Again, as with the
24 earlier applicant, I would completely, on
25 a personal level, sympathetic with this.

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1
2 It's just very difficult to try to make
3 exceptions on things 'cause we just denied
4 three of these last year on people with
5 accessory building units wanting, you
6 know, bathrooms in their pool house or in
7 their parking, separate parking garage.
8 And everyone's got good reasons, and yours
9 is absolutely a good reason and very
10 legitimate. It's just, that's why I start
11 asking questions about if there's a way to
12 a feasible alternative that doesn't
13 require a variance because --

14 MR. MORASH: The problem is the
15 house is up here and the owner's here. I
16 can't make -- if I get the urge, I cannot
17 get up the stairs to get to the bathroom.
18 (Inaudible) inside the house (inaudible).

19 MR. BROOKS: Yeah, I'm not trying
20 to make you get too graphic on it.

21 MR. MORASH: No. I'm just trying
22 to explain to you, you know.

23 MR. HATFIELD: The attorney, are
24 you finished with your presentation?

25 MR. D'AGOSTINO: I was just

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1 concluding with the height variance
2 because if this is a habitable area, it --
3 I believe the height variance was
4 technically but actually triggered with
5 the -- with regard to the 15 feet in
6 height, and this existing garage is
7 greater than that in height.

8
9 CHAIRMAN POITRAS: So is the
10 garage or the pergola greater than that?

11 MR. MORASH: No, the pergola is --
12 right now it's 16'4". The garage is about
13 20 feet, the peak of the garage.

14 CHAIRMAN POITRAS: 19'10".

15 MR. D'AGOSTINO: 19'10".

16 MR. MORASH: Right. But what --
17 in the beginning it wasn't even an issue,
18 you know. It became an issue when about a
19 month ago I decided I wanted to put a
20 bathroom in and I came here and I asked
21 George and he says to me we gotta go in
22 front of the Board. So I got a new plan
23 made up showing just the bathroom, and one
24 thing triggered the other thing, so.

25 MR. HATFIELD: So as a garage,

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2 George, it's conforming, under 20 feet?

3 CHAIRMAN POITRAS: Yes.

4 MR. BUTTS: Right now it is not --

5 MR. MIDDLETON: Is it

6 pre-existing?

7 MR. MORASH: Yes.

8 MR. BUTTS: It's pre-existing,

9 right.

10 MR. MIDDLETON: Pre-existing
11 nonconforming. So now that they want to
12 update it, that's where the issue comes
13 in.

14 MR. BUTTS: That's what adds
15 another step in there.

16 CHAIRMAN POITRAS: Well, the
17 garage can be 20, right? Just the
18 accessory, an accessory --

19 MR. HATFIELD: Right.

20 CHAIRMAN POITRAS: -- structure
21 can't.

22 MR. HATFIELD: Right. A garage
23 can be 20.

24 CHAIRMAN POITRAS: A garage can be
25 20 feet by Code, but an accessory

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structure's only 15.

MR. HATFIELD: So it's not pre-existing nonconforming. It's just, it was conforming. Now it's a change of use --

MR. BUTTS: You got it.

MR. HATFIELD: -- which turns into an accessory structure instead of a garage.

MR. D'ANGELO: What's lot 10 there? Is that a neighbor that lives close by?

MR. MORASH: Where is that?

MR. D'ANGELO: Right here.

MR. MORASH: A big easement that runs through here, and there's another house over here and one other house here. Everything else on the block is empty. It's all owned by one person and there must be 20 lots there that are empty across the street from me, down the road from me. And this neighbor on this side is a friend of mine for 50 years. That's how I ended up buying the house, so --

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MR. D'AGOSTINO: That's Picone.

MR. MORASH: John Picone, yeah.

MR. D'AGOSTINO: We do have letters in support from Mr. and Mrs. Picone, which is the neighbor that Mr. Morash is referring to. And if I might submit those as part of the record.

CHAIRMAN POITRAS: Sure.

MR. HATFIELD: The last one that comes to mind is the one in The Manor.

MR. BROOKS: Well, even after that was when we made the, you know -- what's his -- Wes Frye's grandmother, grandma move out of the --

CHAIRMAN POITRAS: Yeah.

MR. MIDDLETON: Made him take all the --

CHAIRMAN POITRAS: Sanitary facilities.

(Crosstalk)

CHAIRMAN POITRAS: This is from Mr. John Picone, and that will be our Exhibit 3.

(Letter from John Picone marked

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Exhibit 3 in evidence.)

MR. D'AGOSTINO: They're both owners of that one property. They're separate letters.

CHAIRMAN POITRAS: And then Patrice Picone will be Exhibit 4.

(Letter from Patrice Picone marked Exhibit 4 in evidence.)

MR. HATFIELD: The guy in The Manor, didn't he have a bathroom.

MR. BROOKS: Yeah, he took it out.

CHAIRMAN POITRAS: They removed it.

So the few issues, all right, that, as you can see and the reason you're here for this evening, right, is adding the -- trying to add sanitary facilities, right. So counsel referenced that about having living quarters is somewhat vague in the Code, but the Code does specifically spell out that accessory structures are not to contain sanitary facilities, so.

And what Mr. Brooks has been --

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1
2 has highlighted, that that has been a, I
3 guess, a general, we'll call it, an
4 attitude of the Village forever at this
5 point. And to my knowledge, I don't think
6 we've ever granted that as a variance.
7 And it creates a problem that while you
8 are the current owner and certainly you
9 would be able to have that benefit, you
10 may not always be the owner, right, and it
11 creates a precedent for --

12 MR. MORASH: I just moved in two
13 years ago.

14 CHAIRMAN POITRAS: Believe me, in
15 this Village, that might be a long time
16 for some, right, so.

17 MR. BROOKS: Everybody entirely
18 believes that you're totally in good
19 faith.

20 CHAIRMAN POITRAS: Right.

21 MR. BROOKS: We're not questioning
22 you at all.

23 CHAIRMAN POITRAS: At all.

24 MR. BROOKS: Take everything in --

25 MR. MORASH: What really happened,

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1 truthfully, was when I went to look at the
2 house with the realtor, the man that lived
3 in the house, Fitzpatrick, was afraid of
4 Covid. So when I called him up for the
5 appointment to see the house, he said,
6 "Oh, just take a walk around the property
7 and go online, you can see all the rooms
8 online."
9

10 MR. BROOKS: Right.

11 MR. MORASH: Okay, and that's how
12 I bought the house, you know, so. But
13 when I moved in, my condition wasn't as
14 bad as it is now. And I figured while
15 we're doing all this work, you know --

16 MR. BROOKS: And you don't think
17 there's a feasible way to put a bathroom
18 in on the back side of the house closer to
19 the -- that's not part of the accessory
20 structure?

21 CHAIRMAN POITRAS: Or -- let me
22 piggyback on that. Or perhaps make an
23 improvement to, say, a ramp or some way to
24 have easier access rather than have to
25 climb stairs. Make it an easier access to

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the back of the house.

MR. MORASH: It isn't the access. It's the 125 feet going through the house through five other rooms to get to the bathroom.

CHAIRMAN POITRAS: Well, respectfully, I mean, it seems the bathroom in the garage seems to be an equal distance or very -- within a few feet.

MR. MORASH: I have two antique cars and I sit in the garage all day and play with them. And when my grandchildren come on the weekend, they sit there and they try to help me. You know, you're talking about going five feet to an area where I can put a bathroom in and be comfortable. I mean, I don't know.

MR. D'AGOSTINO: Might I suggest, and I hear you clearly, if the Board might be willing to consider a condition which would tie the existence of that bathroom to Mr. Morash's occupancy in the house for that period.

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MR. BROOKS: I'm not -- I defer.
I don't know that that's something we ever
done, 'cause we don't -- I don't know that
it's enforceable.

CHAIRMAN POITRAS: Yeah.

MR. MIDDLETON: It's almost im-
-- how could you enforce that, you know?

MR. MORASH: If it were in great
condition.

MR. HATFIELD: Don't give it a C
of O.

MR. BROOKS: Well --

MR. MIDDLETON: Yeah, but then,
well --

MR. BROOKS: No. We're trying to
create a lawful --

CHAIRMAN POITRAS: Right.

MR. D'AGOSTINO: No, I -- it was a
thought.

MR. BROOKS: I know. I respect
that.

MR. HATFIELD: Is there any
provision in North Haven for a pool house
with sanitary facilities? Illegal?

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Freestanding? No. So connect --

MR. MIDDLETON: Didn't we have
that applicant last year?

(Crosstalk)

MR. HATFIELD: I know. Well,
that's what I -- if you -- I don't know
what the side yard setback for the
principal structure here is. But if you
connected the house to the garage, you
would solve all your problems in one.

CHAIRMAN POITRAS: That's true.

MR. BROOKS: That is true.

MR. MORASH: I was told we can't
do that.

MS. MORASH: But we were told we
can't do it because to connect it, you
have to put a roof.

MR. MORASH: The ground covering
is at a maximum.

MR. MIDDLETON: Oh, you're at max
coverage?

MR. MORASH: That was -- we went
down that road already, you know. I mean,
we're only --

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 CHAIRMAN POITRAS: Well --

3 MR. MORASH: -- six feet away from
4 the house between the garage and the
5 house.

6 CHAIRMAN POITRAS: If -- so if I
7 may, and the building inspector's here
8 and don't want to put you on the spot.
9 You can get back to us if you don't have
10 the answer. But when calculating the FAR,
11 Floor Area Ratio, we call it --

12 MR. MORASH: Right. It's maxed
13 out.

14 CHAIRMAN POITRAS: -- was -- hold
15 on. Was the shed incorporated in that
16 number?

17 MR. BUTTS: I believe so.

18 CHAIRMAN POITRAS: It was?

19 MR. MORASH: Yeah.

20 CHAIRMAN POITRAS: So just looking
21 at the size of your shed versus the
22 distance between your existing frame
23 garage and your house, one possible
24 solution would be remove your shed so that
25 you could bridge the two proper- -- the

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 two items together.

3 MR. HATFIELD: You would have to
4 check the side yard setback.

5 CHAIRMAN POITRAS: As long as
6 that -- that might get you mathematically
7 below the FAR, allow you to connect, and
8 then you would legally be able to put your
9 sanitary facilities in your garage.

10 MR. MORASH: What are you saying,
11 move the shed and put --

12 (Crosstalk)

13 MR. BROOKS: Remove the shed so
14 you don't count its square footage. I
15 know. I know.

16 CHAIRMAN POITRAS: Well, we're
17 trying to give you a solution that would
18 work well --

19 MR. MORASH: No, I understand.
20 But it's like you get sick and the guy
21 wants to remove one arm and then the next
22 week they want to take off a leg because
23 you only --

24 MR. BROOKS: I understand. We're
25 just trying to --

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2 MR. D'AGOSTINO: Trying to explore
3 alternatives, which I fully understand.

4 MR. BROOKS: I mean --

5 CHAIRMAN POITRAS: And I would
6 say, I just want to interject, but that
7 this Board has in the past been
8 sympathetic to medical concerns. We have
9 just recently --

10 MR. MORASH: Well, if I remove the
11 shed, I could connect the garage and the
12 house together?

13 MR. D'AGOSTINO: Maybe.

14 MR. BROOKS: I also don't know
15 what the West Banks -- they might have
16 their own CC&Rs and I don't know what
17 those CC&Rs provide. We don't govern
18 that. So you'd have to investigate that
19 separately and evaluate that.

20 CHAIRMAN POITRAS: But on -- if
21 the issue is that you're maxed out on your
22 Floor Area Ratio, right, and the shed was
23 incorporated in that, just looking at this
24 survey, you could either make a much
25 smaller shed, right, and can connect a

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 breezeway to the structure. That would
3 likely eliminate your --

4 MR. HATFIELD: You're mixing --
5 you're mixing codes a little bit. The
6 FAR -- Floor Area Ratio is habitable
7 space.

8 CHAIRMAN POITRAS: I'm sorry, I'm
9 sorry.

10 MR. BROOKS: I mean, I don't know,
11 is there a way to put a bathroom on the
12 side of the house that's immediately
13 adjacent to the garage and then you can --
14 I'm just trying to -- I can't tell you how
15 many times in our existence here as a
16 Board we see people, often with very good
17 reasons, wanting to have plumbing and in
18 their accessory unit.

19 We just denied an
20 80-something-year-old woman who's been
21 here for 80 years using that, because of
22 this reason. And we felt horrible doing
23 it, but we ha- -- it comes up so
24 frequently that it's just a -- I just wish
25 our Village -- you know, I mean, if the

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1
2 Trustees said, hey, we're gonna allow, you
3 know, plumbing in accessory units, that
4 would -- that's a better solution. But as
5 our job, we have to try to protect the --
6 you know, the frequency that this comes
7 up. So I'm just trying to look at any
8 feasible alternative to avoid the need to
9 have an exception that we really have
10 struggled to avoid.

11 MR. HATFIELD: If we don't come --
12 if there is no feasible alternative,
13 that's one of the criteria. So it's
14 useful for us in this exploration. Not
15 saying that meeting one of the criteria
16 gets you a variance, but it's one step
17 potentially closer, so it's beneficial to
18 explore all these options.

19 MR. BROOKS: Yeah. And you
20 haven't built anything yet, so, I mean, I
21 don't know, it just seems like, hey, that
22 would be really close to the garage and it
23 would avoid the need, right. I mean, I
24 don't know what's there, right, in this
25 area. I see there's, like, cellar steps.

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2 MR. MORASH: The big issue is the
3 elevation. The house is up here, and the
4 first floor, and the garage is here.

5 MR. HATFIELD: And there's no
6 second floor on the garage?

7 MR. MORASH: No.

8 MS. MORASH: No.

9 MR. D'AGOSTINO: So this shed is
10 or is not part of the FAR?

11 MR. HATFIELD: It's not part of
12 FAR. It's not part of the FAR.

13 CHAIRMAN POITRAS: The allowable
14 coverage --

15 (Crosstalk)

16 MR. MIDDLETON: You're about 250
17 feet, you got more -- you could go for
18 coverage, right? About 250?

19 CHAIRMAN POITRAS: Yeah.
20 According to the survey, the survey
21 that -- this is the Saskas December 6th,
22 2020, it looks like, updated -- is there
23 any updates or that's the most recent?
24 But it said your allowable total coverage
25 was 8,440 square feet. Your existing is

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 8,186 square feet. So, roughly 250 feet
3 of available space without touching
4 anything, right. I mean, if there's a way
5 to put a breezeway there, it's -- this
6 survey does not give a dimension between
7 the house and the garage right now.

8 MR. MIDDLETON: It's gotta be more
9 than a breezeway, though. It's gotta be
10 climate controlled. It's gotta be
11 enclosed and have --

12 CHAIRMAN POITRAS: Heat. So,
13 yeah, some type of --

14 MR. D'AGOSTINO: Yeah. No, I
15 understand that. Yeah.

16 MR. MIDDLETON: It can't be a
17 breezeway. If it's gonna connect the
18 house, it's gotta be enclosed.

19 CHAIRMAN POITRAS: It's gotta be
20 enclosed.

21 MR. D'AGOSTINO: It's gotta be
22 enclosed.

23 CHAIRMAN POITRAS: Yeah.

24 MS. MORASH: That's what I'm
25 saying, you gotta have a roof on it

1 **NORTH HAVEN ZONING BOARD - 5/9/2023**

2 somehow.

3 MR. MIDDLETON: Yeah, but if you
4 have 250 -- if you say it's only six feet,
5 you know, if you did 6x6, that's not --

6 MR. BROOKS: 36 feet. You got 200
7 to work with.

8 MR. MORASH: Well, you have the
9 survey there.

10 MR. BROOKS: But we're not -- I
11 mean, we're not your architect. I don't
12 want to -- I don't want to get too far
13 afield here in terms of telling you what
14 to do.

15 MR. D'AGOSTINO: We appreciate the
16 exploration.

17 MS. MORASH: Come back to that and
18 they're at the furthest --

19 MR. D'AGOSTINO: Yes, I, I
20 understand.

21 MR. MIDDLETON: Yeah, but if you
22 connect here --

23 MS. MORASH: And there's steps in
24 the house.

25 MR. MIDDLETON: Yeah, but if you

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2 connect this, then if it's a hallway --

3 CHAIRMAN POITRAS: So the issue,
4 just so --

5 MR. MIDDLETON: It's not an
6 accessory structure.

7 CHAIRMAN POITRAS: Right. Once
8 you put an enclosed structure from your
9 house to the garage, it now is considered
10 one large primary structure. So the codes
11 change, speci- -- and that's --

12 MR. BROOKS: It's no longer a
13 garage.

14 CHAIRMAN POITRAS: It's no longer
15 a garage in that sense.

16 MR. BROOKS: It's just part of the
17 house.

18 CHAIRMAN POITRAS: So you could
19 add a --

20 MR. BROOKS: Bathroom.

21 CHAIRMAN POITRAS: -- a bathroom
22 that way.

23 Now, I don't know, there might be
24 other issues. Talk to the Building
25 Inspector as far as septic issues, things

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like that, right.

MR. BUTTS: It's still part of your primary. It's just attached to the accessory. Garage (inaudible). That's it.

MR. HATFIELD: It's an attached garage?

CHAIRMAN POITRAS: But there would be allowable sanitary facilities once it's connected to the primary structure, right?

(Crosstalk)

MS. TUOHY: Guys, you have to speak one at a time because --

MR. BROOKS: I'm sorry.

MS. TUOHY: -- the recording.

MR. MORASH: If I put the breezeway in from the house to the garage --

MR. MIDDLETON: Let's call it a hallway.

MR. MORASH: A hallway, which is roughly about seven, eight feet, six feet, whatever it is, maybe from that wall to here, okay, does that make the garage

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livable space?

MR. BROOKS: It makes it part of
the house.

MR. MORASH: It makes it part of
the house.

MS. MORASH: So it's no longer
accessory.

MR. MORASH: Okay. So then if the
bathroom is --

MR. BROOKS: Is that right?

MR. MORASH: If the bathroom is in
the garage and the plumbing is connecting
to the house, is that legal?

MR. BROOKS: George, I believe --

MR. BUTTS: That is -- the hallway
and the bathroom are a part of the
principal.

MR. BROOKS: Right. Then you're
all just one house. It's not an accessory
structure anymore. It's one house.

MR. MORASH: But the boiler can be
in the garage section. It doesn't matter.

MR. BROOKS: Doesn't matter. It's
one house.

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MR. D'AGOSTINO: Subject to the calculations.

MR. BROOKS: And the calculations in West Banks, CC&Rs and all that stuff. But it avoids what we're dealing with that variance of putting a bathroom and accessory structure.

MR. MORASH: I was always led to believe when I inquired about this, well, we don't -- we don't want any possibility of somebody living year-round in the garage, you know, because of this, that. I mean, we're in Florida from October to April and we're not even here, and it's just the summer months I spend with my grandchildren rather than send them to day camp.

MR. BROOKS: Right. But it's not -- it wouldn't be a garage anymore. It would just be --

MR. MORASH: Part of it would still be a garage, correct?

MR. BROOKS: My house has a garage as part of the house.

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MR. MORASH: Right.

MR. BROOKS: Right, it's just --
no one ever -- and it's just part of the
house.

MR. BUTTS: It's still accessory
structure even though it's part of your --

MR. BROOKS: But you could have a
bathroom.

MR. BUTTS: Yes.

MR. BROOKS: And it doesn't fall
into that --

MR. BUTTS: More space because
it's attached.

CHAIRMAN POITRAS: And you're --
secondarily, the height goes back to
garage height of 20, not accessory
structure of 15. So you essentially would
not have to come back in front of this
Board if you worked this out, you know.

MR. MORASH: I got 200 feet to
play with. So if it's 10x20 or 4x20, I
could build a (inaudible), then there's
really no issue, you know.

CHAIRMAN POITRAS: It seems -- it

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seems likely that you could do that. But we'll leave that to you and your counsel just to confirm and then work out with the Building Inspector on that, so.

MR. D'AGOSTINO: Could I ask this? Can we hold this in abeyance?

MR. BROOKS: We could leave the record open --

MR. D'AGOSTINO: Thank you.

MR. BROOKS: -- for -- while you evaluate this.

And again, please understand, we're not trying to redesign for you or anything. We're just trying to help determine if there was a feasible alternative.

MR. MORASH: I have read something in an article in the paper about a month ago, two months ago that the Board was entertaining maybe letting people that are handicapped and have workers that come in and take care of them, like a -- like they did in East Hampton or something, you know.

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MR. BROOKS: That's not this Board, but that's the Board of Trustees.

MR. MORASH: Oh, I see.

MR. BROOKS: He's looking at passing a new code provision.

MR. MORASH: Is there any movement with that, 'cause that would correct the problem.

MR. BROOKS: I'm not --

MS. TUOHY: We had work session last month where they were working out some details. It will probably be introduced to the public at the June meeting and then a public hearing in July.

MR. MORASH: I mean, would that correct my problem?

MR. BROOKS: I don't know enough about it.

CHAIRMAN POITRAS: It depends what they propose. That's a question to direct to the Trustees. You could speak to the Trustees or to the Mayor and ask him how -- you know, what they're thinking about and see if it would be applicable to

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2 your particular situation or not, you
3 know, so.

4 MR. MORASH: I'll lay out
5 something and go over it with George, and
6 if George is comfortable with it, you
7 know.

8 CHAIRMAN POITRAS: It depends.
9 You know, the other issue, I don't know
10 what's on your -- on the south side of
11 your house there between the garage and
12 the house, like, what struc- -- you know,
13 you have a room on that side. You know,
14 I'm sure -- I don't know if you can make
15 it a cut-through or whatever it might be
16 to get out to the garage, but you'll still
17 have to take a look at that.

18 MR. MORASH: I also have a -- what
19 do you call that, from the basement, like
20 an emergency --

21 MR. BROOKS: Right. BILCO door?

22 CHAIRMAN POITRAS: Like an egress,
23 yeah.

24 MR. MORASH: Yeah, almost like a
25 window with a square pit.

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MR. BROOKS: Right.

MR. MORASH: So I don't want to go over that because then it obstructs that. It has to be worked out a little different.

CHAIRMAN POITRAS: We'll leave that to you to try to work out. I mean, it's --

MR. MORASH: Okay.

CHAIRMAN POITRAS: Like I said, we're sympathetic. It's just this Board's in a little bit of a bind in a sense that it's just not -- and, like I said, and perhaps the applicant (inaudible) based on what the Trustees have put forth when it's just not something that we have had an appetite to do.

And the medi- -- and, like I said, once again, we have been sympathetic to medical issues, but that's in primary structures, right, because -- so I don't know if we'd be able to set that precedent to kind of merge --

MS. MORASH: We have no idea. We

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2 didn't build a house. We have no idea why
3 he put two bathrooms on one side of the
4 house.

5 MR. MORASH: Well, he was a
6 bachelor.

7 MS. MORASH: And you don't know.
8 You buy a house, you walk around once.
9 You don't know what's it's gonna be like
10 when you're gonna be living in it.

11 MR. D'AGOSTINO: Thank you for
12 exploring the potential alternatives. And
13 if, if this could be held in abeyance
14 while we explore the alternatives.

15 MR. MIDDLETON: We'll just keep
16 the hearing open.

17 CHAIRMAN POITRAS: Yeah, we'll
18 keep the record open.

19 MR. MIDDLETON: Be mindful of the
20 fact that if you don't do anything within
21 three months, it's abandoned and you gotta
22 start over.

23 MR. D'AGOSTINO: Totally
24 understand.

25 MR. MIDDLETON: Okay.

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2 MR. D'AGOSTINO: Thank you very
3 much.

4 CHAIRMAN POITRAS: And we'll let
5 the record show, too, that there is nobody
6 from the audience here, and nobody on
7 Zoom?

8 MS. TUOHY: Nobody on Zoom.

9 CHAIRMAN POITRAS: And nobody on
10 Zoom. So there is nobody to have any
11 further questions.

12 Is there anything else you'd like
13 to add before we conclude for the evening?

14 MR. MORASH: You know, we move --
15 we rented a house in there when Covid hit
16 for my son's wedding and we loved the area
17 so much that the kids said, "You know
18 what, Dad, why don't you buy a house
19 here?" And I bought the house during
20 Covid, like I said, and we moved in.
21 We're there two-and-a-half years. And we
22 love the area. We love everything about
23 it. It's so pristine when you go through
24 the gates and everything. And, you know,
25 my illness took a turn for the worst, so I

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have to deal with it.

MR. D'AGOSTINO: We'll explore the
alternatives. We'll explore the
alternatives.

CHAIRMAN POITRAS: Hopefully, they
have an alternative there that's gonna --

MS. MORASH: Thank you.

CHAIRMAN POITRAS: -- work well to
really make this --

MS. MORASH: We really appreciate
it.

CHAIRMAN POITRAS: And honestly,
if you can avoid the variance, it's gonna
make it a lot easier for you.

MR. MORASH: I thought I went down
that road before, you know, connecting the
two, so we'll give it a shot and see if it
could be worked out.

MR. D'AGOSTINO: Thank you very
much.

CHAIRMAN POITRAS: All right.
Well, let us know.

With that then, we have no other
applications this evening.

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The next Zoning Board meeting will be on Tuesday, June 13th. So if you're gonna have adjustments and you want to try to make it for that meeting, that would be the date on that one, so.

MR. D'AGOSTINO: Thank you.

CHAIRMAN POITRAS: Okay. Other than that, we need a motion to adjourn?

MR. BROOKS: (Raises hand.)

CHAIRMAN POITRAS: Motion by Mr. Brooks.

MR. HATFIELD: (Raises hand.)

CHAIRMAN POITRAS: Second, Mr. Hatfield.

Mr. D'Angelo and I are also in favor. All members in favor.

We are adjourned at 7:55.

(End of Provided Recording)

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I N D E X T O E X H I B I T S

ZBA #420A
Exhibit

Description

EVD

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ERRATA SHEET FOR THE TRANSCRIPT OF:
Hearing Name: North Haven Zoning Board
Hearing Date: May 9, 2023

CORRECTIONS

PG	LN	NOW READS	SHOULD READ	REASON FOR
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Date Signature

Subscribed and sworn to
before me this ____ day
of _____, 2023

Notary Public

1
2 I, Agata Davis, certify that the
3 foregoing transcript of Proceedings of the
4 Zoning Board of Appeals of the Village of
5 North Haven, held on May 9, 2023, was prepared
6 using the required electronic transcription
7 equipment and is a true and accurate record of
8 the Proceedings.

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11 Agata Davis
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