

**PUBLIC HEARING OF THE ZONING BOARD OF APPEALS OF THE  
TOWN OF BABYLON, HELD IN BABYLON TOWN HALL, 200 EAST  
SUNRISE HIGHWAY, LINDENHURST, NEW YORK, THURSDAY,  
JANUARY 15, 2026 AT 6:00 P.M.**

**PRESENT:**                   **MICHAEL KANE, CHAIRMAN**  
                                  **CHARNEICE McCULLOUGH, VICE CHAIR**  
                                  **STEVEN DELLAVECCHIA**  
                                  **NICHOLAS F. RIGNEY**  
                                  **MARCO PARODI**  
                                  **JOSEPH MONTIGLIO**  
                                  **CHRISTINE KORKIDIS, ALTERNATE**

**PAMELA J. GREENE, COUNSEL TO BOARD**  
**KATIE REILLY, PLANNER**  
**JOSEPH RUSSO, DEC**  
**VINCENT BIONDO, DEC**  
**DOREEN SNYDER, RECORDING SECRETARY**

**ABSENT:**                   **JOHN SHEPARD**

**Chairman Kane called the meeting to order and the Pledge of Allegiance to the Flag was recited.**

**The procedure was explained in which each calendar listing would be heard. Each applicant will hand in the affidavit of posting, proceed to the podium, give their name and address.**

**Mr. Kane will read into the record certain items contained in the file. The applicant will then make his/her presentation. The Board will ask what questions they deem appropriate. The public will be asked to comment.**

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**NEXT HEARING DATE: JANUARY 22, 2026**

**6:00 p.m.**

1. Application No.: 25-242  
Applicant: Phillip J. Malfitani, 70 Lemay Street, West Hartford, CT  
Location: south side of Lakewood Street. 231.60' east of Doe Street,  
Wyandanch, NY  
SCTM No.: 0100-57-2-24  
Zoning District: Residence C  
Subject Premises: 22 Lakewood Street, Wyandanch, NY

Variations requested:

1. diminish width at front street line from 60' to 40' on Grand Boulevard
2. diminish width at front street line from 60' to 46.23' on Lakewood Street

All in connection with a proposed two-story, single-family dwelling.

1. *LETTER: From: Mark R. Garabrant, Esq. – RE: zba #25-242 OF Phillip J. Malifitani – requesting adjournment to January 29, 2026*

***Adjourned to January 29, 2026***

**6:05 p.m.**

2. Application No.: 25-238  
Applicant: Jose Espinal (applicant)/JRE Development LLC (prop. owner), 229  
West 21<sup>st</sup> Street, Deer Park, NY  
Location: east side of South 35<sup>th</sup> Street, 100' south of Brooklyn Avenue,  
Wyandanch NY  
SCTM No.: 0100-54-3-13  
Zoning District: Residence B  
Subject Premises: 5 South 35<sup>th</sup> Street, Wyandanch, NY

Variations requested:

1. to diminish rear yard setback from 40' to 30'

All in connection with a proposed two-story single-family dwelling.

APPEARED: Steve Affelt, Esq.  
PO Box 762  
Great River, NY

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The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/6/26; DEC memo dated 1/14/26; survey by Paul Barylski dated 8/7/24; tax map acting as an area map; if approved, this application will not result in significant impact; site plan dated 3/1/25; 3 photographs.

Mr. Affelt stated we would like to construct a two-story single-family dwelling on one side of a wide lot. Currently there is no street at our site so we would be extending the street as far as possible to the end of our site. We cannot connect to Little East Neck Road as the Highway Department described to us. So, we would basically be creating a dead-end street adjacent to Little East Neck. Our application has a few Planning comments that I would like to address. Firstly, we would like to extend the road as far as possible before we touch Little East Neck. We have a unique second floor with a large living room upstairs with four bedrooms. Our intention is to construct the house and then file for an accessory apartment permit in the future. That's why it's a unique layout for the second floor. Thirdly, planning board comments are trying to inform us that egress windows would not be permitted encroachments into our rear yards and we completely acknowledge that. If anything, we would file another application for a variance for that, but we don't intend on using the basement or cellar as livable space.

Mr. Kane asked when we approve these applications, we put covenant and restrictions on there. Did you read the covenants and restrictions?

Mr. Affelt stated there are a few that I would advise my client not to agree.

Mr. Kane stated obviously accessory apartment is one of them.

Mr. Affelt stated maintained as a single-family like the accessory apartment. The second story deck, we would like to have a second story deck. No further expansion of the dwelling and no further subdivision of the lot. I feel those two at the end, since we would have to file extra applications for them anyway, they could just be denied. There is no sense in having a covenant and restriction on them. Second-story decks and accessory apartments again would also be applications that could be denied by planning or building departments as they see fit. However, to impose those restrictions in perpetuity doesn't seem right.

Mr. Kane stated that's what we do.

Mr. Affelt stated I know. This location on Little East Neck Road there is really no character to the neighborhood that we are trying to preserve. We are on a major street here. It feels these restrictions would be out of place on a dwelling on such a busy street.

Mr. Kane asked what is the address of this house going to be?

Mr. Affelt stated this is going to be 5 South 35<sup>th</sup> Street.

Mr. Kane stated so it's on 35<sup>th</sup> Street not Little East Neck Road.

Mr. Affelt stated the frontage is the same, you wouldn't be able to tell the difference, it's right there.

Mr. Kane stated you said you would either file or remove the egress window in the rear.

Mr. Affelt stated we don't actually have an egress window in the rear. All we have is a regular window well. It was kind of an advisement that if we ever wanted it.

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Mr. Parodi asked where is the entrance through, Brooklyn Avenue?

Mr. Affelt stated that is correct.

Mr. Parodi asked so you are making a road all the way down a dead end?

Mr. Affelt stated yes, because it's such an extreme angle we can't really have a safe travel for any cars travelling. Brooklyn is much simpler.

Mr. Rigney asked are you planning on putting a guard rail on Little East Neck Road or is it going to be a through road?

Mr. Affelt stated it's not going to be a through road. Normally, the Highway Department would ask for it or something else, but they haven't given us directions because we don't have a house approved.

Mr. Rigney asked did you speak to the Highway Department already?

Mr. Affelt stated yes.

Mr. Rigney asked and did they advise that?

Mr. Affelt stated they advised that we are not allowed to touch Little East Neck and we have to come from Brooklyn. Everything else is based upon approval for how far we can go. From what I remember my client is going to try to purchase extra land, 114 from the Highway Department, but we are still in negotiations.

Mr. Rigney asked and with that there is drainage and curbs?

Mr. Affelt stated absolutely, it has to be fully developed as the specs go.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED***

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**6:10 p.m.**

3. Application No.: 25-241  
Applicant: Johan J. Araya and Sergio D. Batres, 141 Greenwood Drive, North Babylon, NY  
Location: north side of Greenwood Drive, 827' east of Parliament Place, North Babylon, NY  
SCTM No.: 0100-120-1-43  
Zoning District: Residence B

Variations requested:

1. to increase total building area from 20% to 30.16% (over by 762.74 sq. ft.)
2. diminish west side yard setback from 12' to 7.04' (for egress window well)
3. diminish total side yards from 30' to 13.04'

All in connection with the installation of two (2) window wells and to legally maintain a finished basement, rear deck, patio, and gazebo.

2. E-MAIL/PHOTOS/VIDEO: From: L. Martin, neighbor – RE: ZBA #25-241 of Johan J. Araya & Sergio D. Batres – opposing application

APPEARED: Gustav Munoz, Architect  
71 Bluebird Lane  
Plainview, NY

Mr. Munoz was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/6/26; DEC memo dated 1/14/26; survey by Anastasia Parsatoon dated 7/18/23; tax map acting as an area map; if approved, this application will not result in significant impact; site plan by Gustav Munoz dated 7/31/25; 4 photographs.

Mr. Munoz stated I would like to address one of the Planning comments. The permission to increase total building area of 20% to 30% over 762 sq. ft. I believe that's an error there. I don't know how that came about. I can't figure out how you came up with that number.

Ms. McCullough asked do you have the correct figure?

Mr. Munoz stated the correct figure that I have is for the total is 1,602 vs. I think you had 2,000.

Ms. McCullough stated we will look over that.

Mr. Munoz stated basically what we are seeking here because of the way the property is situated there is no way to put the egress in other locations, we can't put it in any other yard and that's why we are here with the Board.

Mr. Kane stated for the record we have emails, photos and a video. (video was shown from a neighbor inside her house of loud music playing at the subject property). There is a letter in opposition with some photographs also for the record.

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Ms. Reilly stated for the record I pulled the denial from the Plans Examiner updated 12/18/25 he does have the lot coverage at 30.1%, 2,262.74 sq. ft. That is the correct percentage based on the plans.

Mr. Munoz stated lot coverage?

Ms. Reilly stated yes, lot coverage.

Mr. Munoz stated this first comment here says building area.

Ms. Reilly stated yes.

Mr. Munoz stated there is a difference between building area and lot coverage.

Ms. Reilly stated that's how we advertise lot coverage variances. That is how we word them.

Ms. McCullough stated firstly, the property is well maintained. We have a few complaints. How many people currently reside at the home?

Mr. Munoz stated there is the husband and wife, a daughter 12 years old, son that lives with his wife, son is 23, the husband's mother and then the brother Sergio.

Ms. McCullough stated seven.

Mr. Munoz stated seven.

Ms. McCullough asked when was this property purchased?

Mr. Munoz stated in 2023.

Ms. McCullough asked and those seven people have occupied the entire time?

Mr. Munoz stated yes.

Ms. McCullough stated you heard the videos; loud music is a common complaint right now. Can you address that?

Mr. Munoz stated I can advise not to play music that loud.

Ms. McCullough stated we want to be good neighbors. We have a complaint about a gas dryer in a garage, is that true?

Mr. Munoz stated I believe the inspector came this week from what the owner told me and found nothing.

Ms. McCullough stated nothing in the garage.

Mr. Munoz repeated nothing in the garage.

Ms. McCullough stated we had a complaint about a camera facing the neighbor's property.

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Mr. Munoz stated I haven't heard that.

Ms. McCullough stated these are things you need to speak to your client about to make sure there is no accuracy to it. In the basement, the storage rooms, are there walls dividing these rooms?

Mr. Munoz stated currently yes.

Ms. McCullough stated currently yes. Is there plans to change that?

Mr. Munoz stated no.

Ms. McCullough asked so that's how it is going to remain?

Mr. Munoz stated right.

Ms. McCullough asked was there ever a kitchen in the basement?

Mr. Munoz stated there was no kitchen.

Ms. McCullough asked was there ever any living ...

Mr. Munoz stated half the basement is storage room. The other half is unfinished with a boiler room that is enclosed.

Ms. McCullough asked no door in the basement outside?

Mr. Munoz stated there is no door that leads out. That is the reason for us for proposing a window egress in those rooms. They intend to use it for sleeping only, no cooking down there.

Ms. McCullough asked is there a bathroom down there?

Mr. Munoz stated we are proposing a bathroom in this application.

Ms. McCullough asked three-piece?

Mr. Munoz stated three-piece.

Ms. McCullough asked when was the deck built?

Mr. Munoz stated the deck was bought with the property.

Ms. McCullough stated it was there in 2023.

Mr. Munoz stated the deck and gazebo were there.

Ms. McCullough asked both?

Mr. Munoz stated both.

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Mr. Rigney asked what about cutting a door in.

Ms. McCullough asked is there a door from the garage into the home?

Mr. Munoz stated I don't believe so.

Mr. Rigney stated it's noted in here. Fourth violation that you guys were working in the middle of the night without a permit. Cutting in a door, an interior door with no permit.

Mr. Munoz stated currently we don't show in our plans any door leading to it.

Mr. Rigney stated but that was constructed prior to pulling a permit.

Mr. Munoz stated no. There is currently an existing door leading to the garage from the porch.

Mr. Rigney asked was that always existing or recently constructed?

Mr. Munoz stated that was always existing. There is no door from the main building to the garage.

Mr. Rigney stated it's an attached garage; you would want access.

Ms. McCullough stated so currently one kitchen in the entire house?

Mr. Munoz stated yes.

Ms. McCullough stated if this application is approved we have two recommended conditions that you would have to agree to. No kitchen/cooking facilities permitted in the basement ever and rear yard deck not be enclosed. Do you agree to both?

Mr. Munoz stated yes.

APPEARED: Lisa Martin Ortiz, Neighbor  
145 Greenwood Drive  
North Babylon, NY

Ms. Ortiz was duly sworn before testimony.

Ms. Ortiz stated my property is on the northwest side of the home. I have been a resident for over 30 years in Town of Babylon. I have never had any problems with neighbors or any complaints. I know there are codes and rules here. There are neighbors that are less than 10 feet away. Unfortunately, in the last three years I have had discussions with Mr. Araya informing him of the neighborhood, peace and tranquility that everybody expects. On a Monday, Sunday night no one wants to hear loud music. I understand the right to entertain in your backyard because we all do. However, when you can hear the ruckus six blocks out. With the music, a lot of other neighbors have complaint. I spoke to him and said we don't do certain things here; his response was I own the house. You don't have the right to disturb everyone's peace. I have a picture of that camera pointing to my property. In fairness, he has put the music down a little bit. All the neighbors have had discussions with him. The speaker is very loud. I can't hear myself inside my house. The noise goes through the bedroom so I can't sleep. I get the worst of it because I'm next to it. I was told by one of

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his sons to just close the windows. It's affecting the piece. The other neighbors didn't come tonight because they are intimidating. He requested a patio, gazebo and a deck. There was a gazebo there already, toward

the northwest. If you approve this permit, will you be there to guide them up to building code. If they build another gazebo, is it closer to my property? I don't have a problem with how many people are in the house. I need to know where this patio, gazebo is going to be built? If you approve it, where is this going to be place.

Ms. McCullough stated it's existing already, it's there.

Ms. Ortiz stated there is one there already, they are requesting to build a separate gazebo.

Ms. McCullough stated no, that is not on this application.

Ms. Reilly stated they requested to legally maintain the existing.

Ms. Ortiz questioned the deck they requested.

Mr. Rigney explained that it is all existing. They are just legalizing.

Ms. Ortiz asked so that small deck back there is not legal?

Ms. McCullough explained where it's at is fine, it is the rear yard coverage. They exceeded.

Ms. Ortiz stated she was measuring, if it's existing, I don't care.

Ms. McCullough stated nothing new coming in. (handed in photographs)

Ms. Ortiz stated there was never a bathroom in the basement. They have to have consideration.

APPEARED: Theresa Banks, Neighbor  
132 Parkdale Drive  
North Babylon, NY

Ms. Banks was duly sworn before testimony.

Ms. Banks stated I am diagonally behind. I came in to find out more. It said it was increasing the building area, that seems like a big increase. You say it's already there. They are installing two egress window wells. I am concerned about more people in the house and getting emergency vehicles through the space. I was concerned about the increased building space and not having an illegal apartment.

Mr. Kane asked what's going on there?

Mr. Munoz stated I cannot answer for the noise, I am just really the architect to try to get what the client is asking for. The reason for the egress windows on the side is because there is nowhere else to put them. The main house is a two-story and a one-story addition in the back on grade. So, there is nowhere to put the egress on the back side.

Mr. Kane asked is there anybody here that can explain to us what is going on?

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Mr. Munoz stated unfortunately, there is nobody here.

Ms. McCullough asked, is there still only four bedrooms in the house?

Mr. Munoz stated there is still only four bedrooms, two downstairs and two upstairs.

Mr. Rigney asked if we were to schedule an inspection, would your client agree to that?

Mr. Munoz stated I don't see why not. Somebody came this week because there was a complaint about a stove in the garage and he let them in.

Mr. Kane asked what's the purpose of rooms down there and putting in a three-piece bathroom?

Mr. Munoz stated the house is small it's only a little over 1,000 sq. ft. on the first floor with two bedrooms and a little under 600 on the second floor with two bedrooms. There are 7 people living there and they would like to be able to use the basement.

Mr. Rigney asked how many people in the house drive? Does the driveway accommodate all the vehicles, or do they park on the street?

Mr. Munoz stated there is a one car garage that is deep, you can almost put 2 cars in that garage. In the driveway you can put another 2 cars.

Ms. McCullough asked, so there is sufficient parking?

Mr. Munoz stated I believe so.

Mr. Rigney asked does everybody drive in the house?

Mr. Munoz stated not everybody, we have a 12-year-old, an elderly person the grandmother who doesn't drive.

Ms. Korkidis asked so 5 out of the 7?

Mr. Munoz stated maybe 4 out of the 7 drive.

Mr. Kane stated you do understand, your client seems like he is not being a good neighbor here.

Mr. Munoz stated I understand everything she is going through; I can only advise my client to be a good neighbor.

Mr. Kane stated maybe your client should have been here, since he's not I'm gonna ask you to go back to your client and at least make it known that this is a problem.

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No further registrants were heard on this application.

A motion was made by Ms. McCullough to APPROVE application (25-241) of Johan J. Araya and Sergio D. Batres with CONDITIONS no kitchen/cooking facilities permitted in the basement, rear yard deck not to be enclosed. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

**6:15 p.m.**

4. Application No.: 25-240  
Applicant: Robert V. Held, 132 Pine Acres Boulevard, Deer Park, NY  
Location: west side of Pine Acres Boulevard, 644.19' north of Liberty Avenue,  
Deer Park, NY  
SCTM No.: 0100-22-2-97  
Zoning District: Residence B

Variances requested:

1. to increase total building area from 20% to 23.13% (over by 313 sq. ft.)
2. increase area of accessory building from 500 sq. ft. to 528 sq. ft. (for detached garage)
3. diminish distance to south side lot line from 8' to 5'
4. diminish distance to rear lot line from 8' to 5'

All in connection with a proposed detached garage and to legally maintain a rear second-story deck.

APPEARED: Robert Victor Held  
132 Pine Acres Blvd.  
Deer Park, NY

Mr. Held was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/6/26; DEC memo dated 1/14/26; survey by Michael Scalice dated 7/17/25; tax map acting as an area map; if approved, this application will not result in significant impact; site plan by Daniel Burko dated 9/26/25; 4 photographs.

Mr. Held stated I inherited a car collection from my dad, and I want to be able to store them on my property. I recently sold his house around the corner. I had about the same size garage there and I want to build it onto my property. The problem was with the setbacks, if I did move it 3' forward it would be really tough to get into it. The height of the garage, my architect changed to 14'. Also, making the garage smaller would impede me putting tools and being able to open doors on cars and stuff like that. I also have his motorcycle too. As far as the deck, it was there since 2007, but we went through with trying to legalize it anyway because the examiner didn't know if it was there or not.

My camper is a recreational vehicle, we use it. Right now, it's stored, it has a cover on it and is legally parked. Can move it at any time. They mentioned an assessor building, that is an ATV trailer, I use as well. I will probably be getting rid of it; I can get an open trailer. It would be easier and cheaper. the camper I will probably sell it in the Spring, so it may not be a concern for this matter.

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Mr. Montiglio stated you answered most of the questions. You have the 2 variances, you got to give us one of them, give and take a little bit. Move it up 3', you would lose that variance right there.

Mr. Held stated what if I move it up 1' and cut it short 1'?

Mr. Montiglio stated that's working with us. Do you have the new plans saying it's 14'?

Mr. Held stated yes, I think he submitted them.

Ms. Reilly stated I don't think the office received it.

Mr. Held stated he said he did two to three days ago.

Ms. Reilly explained they have to be submitted hard copy right now.

Mr. Held stated maybe he didn't do that and I don't have a hard copy of them. I do, they just are not in the correct format.

Ms. Reilly stated if you are going to make other changes, you can wait and submit them altogether.

Mr. Held stated alright.

Mr. Montiglio asked if this application was approved, there will be no habitable space in the garage, do you agree to that?

Mr. Held stated yeah.

Mr. Montiglio stated no plumbing at all in the garage, no commercial work permitted in the garage and rear yard second-story deck not be further enclosed above or below.

Mr. Held stated yeah, the deck has been that way since at least 2007.

Mr. Montiglio stated you just have to get us the new drawings with the change of the location and the 14' vs. 16'.

Mr. Held stated okay.

Ms. Reilly stated and the ATV trailer or shed would have to be addressed before you get a CO if they approve the garage. It's not shown on the survey.

Mr. Held stated that is a moveable trailer.

Mr. Montiglio stated I think there are two sheds on the property.

Mr. Held stated the one shed will be removed, obviously, the garage is going there. The other one I am going to remove as well. Do I have to do that immediately or towards the end?

Ms. Reilly stated it has to be done before you get a CO.

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Mr. Held asked but can I build and transfer the stuff into there? The stuff from that shed is going into the garage, I can do something with it. I'll take it down. To be clear is it ok to move the rear to 7'? Can I take a foot off and move it a foot forward or if I take 2' off the other side and move it over a foot? Either way if I make it to 8' on one side, you're okay?

Mr. Montiglio the side is 8'. The rear has to come up.

Mr. Held stated the rear only, make that 8' and we are okay.

Mr. Montiglio stated correct.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED – RECORD OPEN (updated plans)***

**6:20 p.m.**

5. Application No.: 25-236  
Applicant: Donald S. and Teresa M. Skene, 127 Kellum Street, West Babylon, NY  
Location: north side of Kellum Street, 315' west of Shelton Street, West Babylon, NY  
SCTM No.: 0100-133-3-49  
Zoning District: Residence C

Variations requested:

1. to diminish front yard setback from 30' to 26' – 6''
2. diminish west side yard setback from 10' to 5' - ¾''
3. diminish east side yard setback from 10' to 4' – 10'' (for cellular entrance)
4. diminish total side yards from 25' to 10' – 2 ¾''
5. allow an outside cellar entrance in the side yard, a non-permitted location
6. increase total building area from 30% to 35.56% (over by 333.74 sq. ft.)
7. diminish distance to west side lot line from 6' to 1' – 8'' (for shed)
8. diminish distance to rear lot line from 2' to 1' – 11'' (for shed)
9. diminish distance to east side lot line from 2' to 0' (for concrete patio)

All in connection with a proposed second-story addition and to legally maintain a deck, concrete patio, and two (2) sheds.

APPEARED: Teresa Skene  
127 Kellum Street  
West Babylon, NY

Ms. Skene was duly sworn before testimony.

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Ms. Skene stated we are requesting a second-story addition to my house. My son, daughter-in-law and granddaughter are going to come live with me.

Mr. Kane asked you are just going straight up?

Ms. Skene stated yes, straight up. I live there by myself now and they are going to come live with me.

Ms. Korkidis asked so the dwelling, is it going to remain single-family, owner occupied?

Ms. Skene stated yes. They are coming to take care of me.

Ms. Korkidis asked how many people were living in the home.

Ms. Skene stated just me right now.

Ms. Korkidis asked are you intending to rent at anytime or file for an accessory apartment?

Ms. Skene stated no.

Ms. McCullough asked one kitchen?

Ms. Skene stated one kitchen.

Ms. Korkidis asked are there any plans for another kitchen in the home?

Ms. Skene stated no.

Ms. Korkidis asked when did you purchase the home?

Ms. Skene stated 43 years ago in 1983.

Ms. Korkidis asked when was the outside cellar entrance constructed?

Ms. Skene stated in spring of 2017.

Ms. Korkidis asked there's only a two-piece bathroom in the basement?

Ms. Skene stated yes, sink and toilet. We used to have a pool; it was easier to come in and out.

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Ms. Korkidis asked can the stairs be redesigned to face the rear yard?

Ms. Skene stated not really.

Ms. Korkidis stated the larger shed on the west side of the rear yard, what's that going to be used for?

Ms. Skene stated it's going to be taken down after we get upstairs done and the attic put in. The small one has been there for 40 years, that was our pool supply shed.

Ms. Korkidis asked the patio was installed in what year?

Ms. Skene under the second shed.

Ms. Korkidis stated yeah.

Ms. Skene stated that was there when we bought the house, it used to be a dog run. All we did was take down the fence.

Ms. Korkidis asked if the application were to be approved, would you agree to the following conditions. No cooking facilities permitted in the basement, two-piece bathroom only permitted in the basement, basement to remain an open undivided area for recreation room and storage use only as per applicant's plans and if sheds are ever in disrepair or taken down, they must be re-built in a conforming location?

Ms. Skene stated yes. They are like heavy duty plastic.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED***

**NOTICE OF PUBLIC HEARING**  
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**HEARING OF JANUARY 15, 2026**

**6:25 p.m.**

6. Application No.: 25-239  
Applicant: Subzero Insulation and Refrigeration Technologies LLC  
(tenant)/Town of Babylon Industrial Development Agency (prop.  
owner), 45 East Industry Court, Deer Park, NY  
Location: east side of Industry Court, 262.38' north of Grand Boulevard, Deer  
Park, NY  
SCTM No.: 0100-68-1-24  
Zoning District: Industry Ga

Variations requested:

1. requesting a special exception permit to operate a public garage
2. diminish off-street parking from fifty-three (53) parking stalls required to sixteen (16) parking stalls provided

All in connection with an existing building.

APPEARED: Nicole Blanda, Esq.  
535 Broadhollow Road  
Melville, NY

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/6/26; DEC memo dated 1/14/26; Fire Marshal report dated 1/15/26 has a list of items needed to be corrected; survey by John Robinson dated 5/1/2013; tax map acting as an area map; site plan by George Badger dated 10/2025; if approved will need a Negative Declaration; 5 photographs.

Mr. Kane asked have you seen the report from the Fire Marshal?

Ms. Blanda stated yes, most of which have been corrected. The report and violations date back to September. I am here tonight on behalf of Subzero Insulation and Refrigeration Technologies, LLC. They are the tenant of the property because this is an IDA property. So, the Town of Babylon Industrial Agency is technically the owner and then they lease it back to my client. We are seeking a special permit for a public garage as well as a parking variance. The property is located on the east side of Industry Court about 262' north of Grand Boulevard in Deer Park. It's over in that industrial pocket just east of the Tanger Outlet. It borders the Town of Islip. It has a lot area of an acre. It is presently improved with a 19,722 sq. ft. one-story building.

Subzero manufactures refrigerated vans and trucks. They produce temperature-controlled vans for all types of clients including franchises clients, and corporate fleets. You would notice them on the road as edible arrangements or Boar's Head. Any kind of delivery or sprinter van that you see that might be refrigerated, whether it might be Stop and Shop or a grocery delivery service, they basically upfit Vanilla Box vans to spec. They come in and have their specs on how they want the inside to be. Subzero then installs insulation panels inside to keep the internal temperature of the van at whatever temperature it needs to be to keep those items cold.

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They are not open to the public. They don't work on engines, they don't do oil changes, they don't do anything mechanical in that sense. They just deal with the inside and putting insulation panels inside vans and then deliver them to the customers. That is basically their business model and operation. We are seeking the special permit to be a public garage. We fall under the portion of the code's definition as far as equipping vehicles or storing vehicles. They do store some of the vehicles when they are working on them they are inside. There is various bays for those vans and then there would be some outdoor storage in the rear which is permitted in this zone. We don't need a variance for that. The outside storage of vehicles will affect some of the parking that we would have on site. So, we are proposing 16 spaces on site. Technically, we are required to have 53. The bulk of the square footage of this building, you can see on the floor plan, is where the vehicles are actually being fitted out. Then we have some office space. We have a kitchen breakroom, a large conference room, and sort of an employee lounge area.

There are six spaces in the front and ten in the rear. Right now, there's only about 17 employees, but 90% of them either come by carpool, bus or e-bikes and scooters. There is a bus stop on the corner of Grand and East Industry Court. In addition, some of these employees are out delivering vans during the day so they are not even on site. There is parking on street in this area. When I visited the site, I parked on the street, that is another option. We don't feel the parking is a problem and there is overlap. Whoever is working in the vehicle repair area, they are also using the conference room or the breakroom. We wanted to create a site plan that would work here to also allow for some outside storage in the rear, and we do feel the parking we have would be sufficient.

In terms of the Fire Marshal memo, we have been actively working on that since the end of September. They engaged with a company called Action Hazmat. They have dealt with the Health Department and the State DEC. We have just gotten a no further action letter. We have been dealing with the town DEC as well. We also have gotten a licensed electrician that worked on the electrical, so we submitted our underwriter's certificate. I spoke to the Fire Marshal earlier today and we are trying to set up an inspection for next week, to see if we can get them reopened. They have been shut down since the end of September. I can say they have diligently pursued where things went wrong and try to fix them.

We respectfully request this special permit be granted, we understand for the year, then we'll come back and you can see how they are doing. They don't have customers coming in like a normal public garage.

Mr. Montiglio stated it seems like you have everything in the right direction, trying to get everything legalized and do the right thing. There's no autobody going on there, no spraying?

Ms. Blanda stated no, no spraying. There was a small spray booth for spray foam. They are now farming that out. They removed that booth entirely.

Mr. Montiglio asked there is no showroom where people can come see anything?

Ms. Blanda stated no. They are a nationwide company; they are one of the leading manufacturers.

Mr. Montiglio stated so the parking really won't be an issue.

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Ms. Blanda stated no.

Mr. Montiglio stated if approved, we give one year and subject to C & R's for a public garage.

Ms. Blanda stated yes. I had them look at the standard covenants.

Mr. Parodi stated in the picture you have up there, are they going to be applying for outdoor storage for those vehicles?

Ms. Reilly stated the site plan shows eight.

Ms. Blanda stated I don't know when that aerial is from, in the rear along the property line we are proposing to have 8 spaces dedicated to outside storage. We don't need a variance for it because in the industrial zone, as long as you're in the rear yard, it's aloud, but it does affect our parking. It's part of our parking variance. So, yes there will be outside storage, but it would be neater than what you would see there and there will be striped parking on the north and south side.

Mr. Parodi asked on the Fire Marshal report, number five, for property not to be used for apartment housing habitation. Was there somebody living there?

Ms. Blanda stated there is a kitchen and it was used as a breakroom but also kind of used for the business owner to stay over at times. It was never rented out to any member of the public, it was always utilized for late nights, ability to stay over. That is being completely redone. The space you see on the floor plan will still be there, but it won't be utilized as an apartment.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED – RECORD OPEN***

***Mr. Kane stated this concludes the live streaming portion of tonight's meeting. Our work session will continue. The meeting remains open to the public.***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 15, 2026**

**ADJOURNED TO: JANUARY 22, 2026**

Application No.: 25-233  
Applicant: Hakan Sari, 69 East Beach Promenade, Lindenhurst, NY  
Location: south side of East Beach Promenade, 160' east of East Riviera Drive,  
Lindenhurst, NY  
SCTM No.: 0100-186-3-91  
Zoning District: Residence C

Variances requested:

1. to diminish west side yard setback from 10' to 6.2'
2. diminish total side yards from 25' to 15'
3. increase total building area from 30% to 40.2% (over by 696.8 sq. ft.)
4. diminish distance to east side lot line from 2' to .4' (for shed)
5. diminish distance to east side lot line from 2' to .4' (for pavers)
6. diminish distance to west side lot line from 2' to 0' (for pavers)

All in connection with the erection of a one-story rear addition and 2<sup>nd</sup> floor addition and to legally maintain a dormer expansion, second floor balcony, shed, and paver patio.

**HEARING OF MAY 15, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-064  
Applicant: 859 Sunrise Highway DIA LLC (tenant)/859 Sunrise Auto LLC  
(prop. owner), 859 Sunrise Highway, West Babylon, NY  
Location: northeast corner of Sunrise Highway & Harvard Road,  
West Babylon, NY  
SCTM No.: 0100-160-1-48.001, 47, & 46  
Zoning District: Business Eb  
Subject Premises: 859 Sunrise Highway & 11 Harvard Road, West Babylon, NY

Variances requested:

1. special exception permit for used car sales; outdoor storage of vehicles as per site plan

All in connection with an existing building (previously approved for one (1) year, expired April 11, 2024).

***DECISION RESERVED – record open***

**NOTICE OF PUBLIC HEARING  
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**HEARING OF JULY 31, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-097  
Applicant: Oktay Top, 344 West 8<sup>th</sup> Street, Deer Park, NY  
Location: southeast end of West 8<sup>th</sup> Street, Deer Park, NY  
SCTM No.: 0100-86-3-10  
Zoning District: Residence C

Variations requested:

1. diminish rear yard setback from 30' to 8' (for second-story deck and stairs)
2. diminish distance to east side lot line from 6' to 2.6' (for shed) (*existing*)**AMENDED**

All in connection with legally maintaining a shed and a rear second-story deck and stairs.  
***DECISION RESERVED – as amended***

**HEARING OF OCTOBER 30, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-182  
Applicant: Julius John Harder and Roseann Harder, 349 Half Hollow Road,  
Deer Park, NY  
Location: north side of Half Hollow Road, 160.04' east of Collins Avenue,  
Deer Park, NY  
SCTM No.: 0100-42-4-58  
Zoning District: Residence C

Variations requested:

1. to diminish front yard setback from 30' to 26.7' (for basement entrance)
2. allow basement entrance in the side and front yard, a non-permitted location
3. allow an egress window well in the front yard, a non-permitted location

All in connection to legally maintain a finished basement with outside basement entrance and egress window well.

***DECISION RESERVED – to submit revised plans***

**NOTICE OF PUBLIC HEARING  
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HEARING OF JANUARY 15, 2026**

**HEARING OF NOVEMBER 20, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-206  
Applicant: Terrell Flagg-Jones, 1114 4<sup>th</sup> Street, West Babylon, NY  
Location: north side of 4<sup>th</sup> Street, 100' east of 11<sup>th</sup> Avenue, West Babylon,  
NY  
SCTM No.: 0100-135-3-95.001  
Zoning District: Residence B

Variances requested:

1. to diminish distance to rear lot line from 2' to 0' (for patio)

All in connection with legally maintaining a patio around an inground pool.

***DECISION RESERVED***

**HEARING OF DECEMBER 11, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-218  
Applicant: Kimraj Kevin Ramdhanie and Lisa Marie Tenreiro, 22 W. 16<sup>th</sup> Street,  
Deer Park, NY  
Location: west side of W. 16<sup>th</sup> Street, 225.45' south of Long Island Avenue,  
Deer Park, NY  
SCTM No.: 0100-60-3-81  
Zoning District: Residence C

Variances requested:

1. to increase total building area from 30% to 49.7% (over by 1,485.9 sq. ft.)
2. increase total building area of rear yard for accessory structures from 45% to 83%  
(over by 1,133.23 sq. ft.)
3. diminish total side yards from 25' to 24.4' (for pergola)

All in connection with legally maintaining an outdoor kitchen, gazebo, and pool patio.

***DECISION RESERVED***

**NOTICE OF PUBLIC HEARING  
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**HEARING OF DECEMBER 18, 2025**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-226  
Applicant: 7-9 Connor Lane DP LLC, 2005 Deer Park Avenue, Deer Park, NY  
Location: south side of Connor Lane, 308.23' east of Brook Avenue,  
Deer Park, NY  
SCTM No.: 0100-118-3-25.007  
Zoning District: Industry G  
Subject Premises: 7-9 Connor Lane, unit 9F, Deer Park, NY

Variations requested:

1. a special exception permit to operate a public garage auto repair.

All in connection with a portion of an existing building.

***DECISION RESERVED – record open***

**HEARING OF JANUARY 8, 2026**

**HEARING CLOSED: DECISION RESERVED**

Application No.: 25-232  
Applicant: Leo and Ellen Marie DeNicola, 51 Village Line Road, Babylon, NY  
Location: north side of Village Line Road, 586.84' east of Deer Park Avenue, Babylon,  
NY  
SCTM No.: 0100-162-4-42  
Zoning District: Residence C

Variations requested:

1. to diminish distance to front street line from 40' to 0' on Oak Rest Lane (for outdoor shower)
2. diminish distance to front street line on Oak Rest Lane from 40' to 2.1' (for sauna)
3. diminish distance to front street line from 6' to 0.5' on Oak Rest Lane (for shed)
4. increase total building area from 30% to 32% (over by 186.62 sq. ft.)
5. diminish distance to west side lot line from 6' to 2.1' (for shed)
6. diminish distance to east lot line from 2' to 1' (for paver patio and wood deck)
7. diminish distance to east lot line from 2' to .7' (for cold plunge tub)
8. increase number of accessory structures from two (2) to three (3)

All in connection with legally maintaining a shed, sauna, paver patio, roofed front porch, outdoor kitchen, cold plunge tub, sauna and outdoor shower.

***DECISION RESERVED***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 15, 2026**

Application No.: 25-234  
Applicant: Robin Assouman and Nadine Clergeau, 148 Long Island Avenue, Wyandanch, NY  
Location: southwest corner of Long Island Avenue and South 27<sup>th</sup> Street, Wyandanch, NY  
SCTM No.: 0100-56-1-38.001  
Zoning District: Residence C

Variances requested:

1. to diminish front yard setback from 30' to 15' on South 27<sup>th</sup> Street
2. to lift previously imposed covenant and restriction “no further expansion of the dwelling”

All in connection with the erection of a second-floor addition over an existing garage.

***DECISION RESERVED***

Application No.: 25-231  
Applicant: Popeye’s (tenant)/756 Broadway Realty LLC (prop. owner), 983 Willis Avenue, Albertson, NY  
Location: northwest corner of NYS Route 110 (Broadway) and Lindy Avenue, North Amityville, NY  
SCTM No.: 0100-164-1-6  
Zoning District: Business E  
Subject Premises: 756 North Broadway, North Amityville, NY

Variances requested:

1. to increase area of three (3) directional signs from 4 sq. ft. to 6 sq. ft.
2. increase allowable height of three (3) directional signs from 2’ – 6’’ to 3’
3. increase number of signs on east wall from one (1) to two (2)
4. increase number of signs on north wall from one (1) to two (2)
5. increase number of signs on south wall from one (1) to two (2)
6. increase number of signs per parcel from one (1) to three (3)
7. increase sign height on north wall from 6’ to 8’ – 6’’
8. increase sign height on south wall from 6’ to 6’ – 6’’
9. increase sign height on east wall from 6’ to 6’ – 3’’

All in connection with the erection of non-conforming wall and ground sign.

***DECISION RESERVED – record open***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
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Application No.: 25-235  
Applicant: Tire Kings Collision (tenant)/245-255 Skidmore Road LLC  
(prop. owner), 255 Skidmore Road, Deer Park, NY  
Location: west side of Skidmore Road, 255.91' north of Bayshore Road,  
Deer Park, NY  
SCTM No.: 0100-118-2-16  
Zoning District: Industry G

Variances requested:

1. a special exception permit to operate a public garage for auto body repair

All in connection with a portion of an existing building.

***DECISION RESERVED - pending Fire Marshal***

3. *REPORT: From: TOB Fire Marshal – RE: ZBA #25-235 of Tire Kings Collision –  
Fire Marshal inspection report*

**NOTICE OF PUBLIC HEARING  
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**CORRESPONDENCE OF JANUARY 15, 2026**

***All correspondence read & filed***

1. LETTER: From: Mark R. Garabrant, Esq. – RE: zba #25-242 OF Phillip J. Malifitani – requesting adjournment to January 29, 2026 (#1 on tonight’s agenda)
2. E-MAIL/PHOTOS/VIDEO: From: L. Martin, neighbor – RE: ZBA #25-241 of Johan J. Araya & Sergio D. Batres – opposing application (#3 on tonight’s agenda)
3. REPORT: From: TOB Fire Marshal – RE: ZBA #25-235 of Tire Kings Collision – Fire Marshal inspection report (decision reserved January 8, 2026)
4. REPORT: From: TOB Department of Environmental Control – RE: Job No. 25-36C of Great Neck Road Holdings LLC – Lead Agency Coordination Request (full application filed in ZBA Office)

**ACCEPT MINUTES OF:** December 11, 2025

A motion was made by Ms. Korkidis to ACCEPT the MINUTES of the Zoning Board of Appeals meeting of December 11, 2025. The motion was seconded by Mr. Parodi. the motion carried, all members present voting “AYE”. n

**REVIEW MINUTES OF:** December 18, 2025  
January 8, 2026

**There being no further business to come before the Board, a motion was made by Mr. Parodi to ADJOURN the Zoning Board of Appeals meeting of January 15, 2026, at 7:15 p.m. The motion was seconded by Ms. Korkidis. The motion carried, all members present voting “AYE”.**