

**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 22, 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**

**PAMELA J. GREENE, COUNSEL TO BOARD  
KATIE REILLY, PLANNER  
ANTHONY VALENTINO, DEC  
JOSEPH RUSSO, 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.**

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

**NEXT HEARING DATE: JANUARY 29, 2026**

**6:00 p.m.**

1. Application No.: 25-244  
Applicant: Andrew S. Reina and Tracie Jo Fiscina, 142 Overton Street,  
Deer Park, NY  
Location: south side of Overton Street, 400' west of Jefferson Avenue,  
Deer Park, NY  
SCTM No.: 0100-42-2-37  
Zoning District: Residence B

Variances requested:

1. diminish front yard setback from 30' to 24.9' on Overton Street
2. allow 24'' eave encroachment

All in connection with the proposed erection of a second-floor addition and interior alterations.

APPEARED: Ashley Lowe  
131 Berkely Place  
Massapequa, NY

Ms. Lowe was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/13/26; DEC memo dated 1/21/26; survey by Peter J. Brabazon dated 10/15/25; tax map acting as an area map; if approved, this application will not result in significant impact, site plan dated 8/5/25; 6 photographs.

Ms. Lowe stated we are here this evening with an application filed with the building department for a Proposed 2<sup>nd</sup> story addition and minor alterations. The front yard setback is 24.9' where 30' is required for which we are requesting relief of 5.1'. I would like to note that it is an existing condition and that the addition is going to be directly above the existing first floor to square off the 2<sup>nd</sup> floor of the dwelling. This addition on the 2<sup>nd</sup> floor will make it so there are 3 bedrooms including a primary bedroom, a sitting room, three-piece bathroom, walk-in closet for the primary bedroom. There was at one point a request for an accessory apartment application to be renewed, but that will no longer be requested. The kitchen is going to be removed during construction. Should this be approved, the Reina's will have the kitchen inspected as a result. I do have a copy of the letter for the accessory apartment board that we will be providing to them requesting the removal and the inspection. I can give you a copy of that tonight. (Handed letter in to the Board).

Mr. Montiglio asked so you're going straight up, squaring everything off?

Ms. Lowe stated yes, the only thing that is not being squared is the portico portion.

Mr. Montiglio asked and the kitchen is being removed up there, no apartment, just a single-family dwelling?

Ms. Lowe stated yes.

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Mr. Montiglio asked just the family itself?

Ms. Lowe stated yes, the accessory apartment was occupied by a family member.

No further registrants were heard on this application.

A motion was made by Mr. Montiglio to APPROVE application (25-244) of Andrew S. Reina and Tracie Jo Fiscina with the CONDITION accessory apartment application be withdrawn prior to the issuance of a CO. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

**6:05 p.m.**

2. Application No.: 25-245  
Applicant: David A. Labarca and Grisel Ivette Gautier, 8 Frank Street,  
Lindenhurst, NY  
Location: east side of Frank Street, 50’ south of Webster Drive,  
Lindenhurst, NY  
SCTM No.: 0100-156-2-44  
Zoning District: Residence B

Variations requested:

1. diminish north side yard setback from 12’ to 3’ (for egress window well)
2. diminish total side yards from 30’ to 11’
3. increase total building area from 20% to 56.4% (over by 1,737.2 sq. ft.)
4. increase total building area of the rear yard from 45% to 70% (over by 810.9 sq. ft.)
5. diminish distance to north lot line from 8’ to 4.8’ (for gazebo)
6. diminish distance to rear lot line from 8’ to 4’ (for gazebo)

All in connection with legally maintaining a gazebo, patio, a finished basement and egress window well.

APPEARED: David Labarca  
8 Frank Street  
Lindenhurst, NY

Mr. Labarca was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/13/26; DEC memo dated 1/21/26; survey by Michael Scalice dated 2/18/2016; tax map acting as an area map; if approved, this application will not result in significant impact; previous ZBA 15-160 approved 8/6/2015 and 22-019 approved 3/24/22; 10 photographs.

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Mr. Labarca stated everything is related to the previous variance. It is important for us to keep the pavers because before we installed the pool we flooded in the basement. My backyard sloped down towards the house and my neighbor's ground level is 6" higher than mine. We ended up with 6 inches of water around the house and flooded twice. I kept that in mind when we installed the pool. With all the variance and all we finished the pool in November close to December and I couldn't install the pavers at that time. We installed the pavers in Spring of following year. The pool guys sent the survey guy to do the survey in December and that is why the pavers are not included by the pool. The survey, in 2016 I believe. What we tried to do is keep the water away from the house. We installed drains around, and since then we have had no floods in the basement.

The Gazebo was there since 2010, I don't understand why it's a problem now. The other issue is the egress window; there is no other place to install the egress window. The only other place is the side of the house, which is 6' between my house and the other property. There is no other way to install the egress window so we can legalize the basement.

Mr. Rigney asked when did you purchase the home?

Mr. Labarca stated 2004 I believe.

Mr. Rigney asked you came here personally for both reliefs in the past, back in 2015 and 2022?

Mr. Labarca stated yes.

Mr. Rigney stated so, you know we granted relief in the past. The only issue I see here is the lot coverage, the amount of pavers. We granted relief two times, you have to work with us a little bit, you are over by a lot.

Mr. Labarca stated I understand but like I said before it is because we got flooded, the backyard is sloping down. Half of the pool, the slope goes towards the back of the house. We installed drains around, so we don't have anymore flooding.

Mr. Rigney suggested cutting it back and put a garden bed with some runoff. That wouldn't be an issue. You're talking about the back of the house, right? You have pavers right up to the property line? Do you have landscape around?

APPEARED: Grisel Ivette Gautier  
8 Frank Street  
Lindenhurst, NY

Ms. Gautier was duly sworn before testimony.

Mr. Rigney stated so, you do have landscape.

Ms. Gautier stated yeah, we do have a garden all around where there are pavers and we have grass patches in the yard. It's not 100% covered in pavers; it's just around the pool that we paved.

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Mr. Rigney asked so you have a 2' setback with the pavers, you're not right up to the property line?

Ms. Gautier stated no, we have pine trees there.

Mr. Rigney stated you have a buffer.

Ms. Gautier stated absolutely.

Mr. Labarca stated that was on purpose because we have to hold the water from the neighbor.

Mr. Rigney asked when was the pool constructed?

Mr. Labarca stated 2015 I believe.

Mr. Rigney asked when the Gazebo was built?

Mr. Labarca stated 2010.

Mr. Rigney asked and you would agree to keep the Gazebo open and you wouldn't enclose the Gazebo?

Mr. Labarca stated yes, it's always been like that.

Mr. Rigney asked why did you put the egress window there?

Mr. Labarca stated it hasn't been constructed yet. We are waiting for the permit. The egress window is part of the legalization of the basement and is required by the town.

Ms. Gautier stated that it is the side that we could install it. We currently have a basement window, but I think the setback there is only 6' and we would only have 3' so we are asking permission to do it there.

Mr. Rigney asked would you agree to keep the north side of the property open and not put any structures of any kind on the north side.

Ms. Gautier stated yeah, there is no more being done. We have done a lot, this is it.

Mr. Rigney stated I drove past your home today, it is beautiful, well kept. If we were to approve this application, would you agree to these four conditions; no permanent enclosure of gazebo, no further increase in total building area, wet bar in basement to be removed as per applicant's plans, basement to remain open area for recreation use only, no apartments?

Mr. Labarca and Ms. Gautier agreed to all conditions.

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No further registrants were heard on this application.

A motion was made by Mr. Rigney to APPROVE application (25-245) of David A. Labarca and Grisel Ivette Gautier with the four recommended CONDITIONS. The motion was seconded by Ms. McCullough. The motion carried, all members present voting “AYE”.

**6:10 p.m.**

3.     Application No.:     25-243  
       Applicant:         TLC Auto and Truck Repair (tenant)/Jimbo Realty Corp.  
                              (prop. owner), 234 Farmingdale Road (NYS Route 109),  
                              East Farmingdale, NY  
       Location:         south side of Farmingdale Road (NYS Route 109), 1,363.38’  
                              east of Maywood Road, Farmingdale, NY  
       SCTM No.:         0100-97-1-2.011  
       Zoning District:    Industry G

Variances requested:

1. special exception permit to operate a public garage for automotive repair service center

All in connection with a portion of an existing building.

APPEARED:   Keith Cordova, RA  
                  100 Elmwood Ave.  
                  Selden, NY

Mr. Cordova was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 1/13/26; DEC memo dated 1/21/26; survey by Pat Seccafico dated 4/16/25; tax map acting as an area map; Suffolk County Planning memo dated 1/22/26; decision of local determination, take no position for or against; will need a Negative Declaration if approved; site plan by Keith Cordova dated 11/13/25; 4 photographs.

Mr. Cordova stated we are requesting a special exemption permit to operate a public garage for automotive repair service. The proposed space intends to operate from Monday through Friday from 7:00 a.m. to 5:00 p.m. Total employees is approximately 18 employed, not at the same time. There is no intent of a tow license. The front portion that was noted on the plans as retail is essentially for a waiting area and for administrative staff. The acknowledgment has been reinstated that no outdoor storage is going to be used on the site.

Mr. Kane asked this is just for automotive repair, no auto body?

Mr. Cordova stated correct. There is no body work, no paint shop, no spray booth, strictly mechanical auto repair.

Mr. Kane asked has your client had a business in the area or Town of Babylon?

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Mr. Cordova stated he is currently in the adjacent property, he is expanding. He is looking to get a larger space and updated. He has been in the space adjacent for over 10 years.

Mr. Kane stated we will need Fire Marshal.

Mr. Cordova stated we have approval.

Mr. Kane stated we don't have it.

Ms. Reilly asked do you know when the inspection was conducted?

APPEARED: Daniel Mahoney  
9 Debon Road  
Holbrook, NY

Mr. Mahoney was duly sworn before testimony.

Mr. Mahoney stated it hasn't been inspected yet. When we put the building application in about a year ago, we immediately filed for Fire Marshal approval, which we got three months later. About 9 months ago, we got the Fire Marshal approval. We haven't gotten it inspected yet because we haven't started construction. We are waiting for this.

Ms. Reilly stated the Fire Marshal also goes for inspections on all commercial Zoning Board applications. So, they would go out there for this as well. We will be in contact with their office to make sure they are either subject to their approval, or they want to go out now.

Mr. Mahoney stated we do have approved drawings from the Fire Marshal for the future build out of the interior of the space.

Mr. Kane stated we still need it for this. We only have one more meeting and then in the month of February they are doing an upgrade to the system so we will not have any.

Mr. Mahoney stated okay.

Mr. Kane asked would you agree to the Covenants and Restrictions for standard Covenants and Restrictions for a public garage?

Mr. Cordova stated yes, the property owner and the tenant agree to the Covenants and Restrictions.

No further registrants were heard on this application.

***HEARING CLOSED – DECISION RESERVED – RECORD OPEN (for Fire Marshal Report)***

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**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

Variations 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.

APPEARED: Justin Phillips, NYCD Group, Inc.  
270 Spagnoli Road, Suite 210  
Melville, NY

Mr. Phillips was duly sworn before testimony.

The following documents were submitted as exhibits before the start of the hearing: Planning Division memo dated 12/29/25; DEC memo dated 1/7/26; survey by Peter J. Brabazon dated 11/16/22; tax map acting as an area map; Suffolk County Planning memo; decision of local determination take no position for or against; might need DEC, tidal wetlands; site plan dated 3/21/24; 3 photographs.

Mr. Phillips stated we have a letter of no objection from DEC that was part of the building permit application I can submit. We do have 6 variance requests before the Board this evening. Mr. Sari has filed a building application to erect a one-story rear addition and second floor addition over the existing footprint and to maintain an existing dormer expansion, second floor balcony, shed, and patio pavers, which were all installed by the previous owners without the benefit of a permit.

Upon review of the site plan, the building department has determined that 6 variances would be required to approve the proposed applications. The first two variance requests relate to side yard setbacks for permission to diminish the west side yard setback from 10' to 6.2' and to diminish the total side yards from 25' to 15'. The 6.2' west side yard setback and aggregate side yard total of 15' are the original setbacks from the properties construction in 1953 and represent the current conditions of the property as it stands today. The property is 40' wide by 166.7' deep with a total lot area of 6,824 sq. ft. in a residence C district making it a pre-existing, non-conforming lot. As ordinance requires, all lots in res C to have a minimum lot

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size of lot width of 75' and a minimum lot area of 7,500 sq. ft. The ordinance does provide provision for undersized lots that were in single and separate ownership on July 25, 1954. However, this provision still requires a minimum lot width of 60' which we cannot comply with.

The proposed additions will square off the rear of the house and will be in line with the existing dwellings diminished setbacks. Therefore, we are not increasing the nonconformity. The residence with the proposed additions is also very much in line with the adjoining properties in size and setbacks.

The third request is to increase the total building area from 30% to 40.2%. I'd like to note that this request is caused by the existing conditions of the property, specifically due to the existing patio pavers and in no way is this increase related to the proposed additions at the second floor and rear of the property.

Further, this request is directly tied to the remaining three requests we have before you. To maintain the existing shed with diminish setbacks from 2' to .4' and to maintain the existing patio pavers with diminish setbacks from 2' to .4' and 2' to 0' respectively.

In discussions with my client and at the request of the Planning Division memorandum dated 12/29/25, Mr. Sari has decided to remove the existing shed entirely. Therefore, negating the request to maintain that .4' setback. He has also agreed to cut back the patio pavers by 3' from each side of the property line to create flower beds along the entirety of the pavers in the rear of the house. The removal of the shed and cutting back the patio pavers would revise our request to increase the total building area to 38% down from the original requested 40.2%. Therefore, we wish to withdraw variance requests 4, 5 and 6.

Lastly, the recommendation that the Board wishes to grant the relief requested, planning staff would recommend the following conditions of approval. The rear yard deck with retractable awning not be further enclosed, and the rear yard balcony not be further enclosed above or below. Mr. Sari would happily agree to these stipulations as he has no future plans of enclosing either.

Mr. Rigney stated excellent presentation, you answered all my questions.

Ms. Reilly stated to confirm if they amend to 38%, that's what is going to be on the final survey.

Mr. Phillips stated correct.

A motion was made by Mr. Rigney to AMEND application (25-233) of Hakan Sari to REMOVE variances 4, 5 and 6. The motion was seconded by Ms. Korkidis. The motion carried, all members present voting "AYE".

A motion was made by Mr. Rigney to AMEND variance #3 on application (25-233) of Hakan Sari to read **increase total building area from 30% to 38%**. The motion was seconded by Ms. Korkidis. The motion carried, all members present voting "AYE".

Mr. Rigney asked is this going to remain a single family?

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Mr. Phillips stated yes it's going to remain a single family. The additions that are being done are to enlarge the bedroom and to enlarge the living room. There are no plans ever in the future of an accessory dwelling unit.

No further registrants were heard on this application.

A motion was made by Mr. Rigney to APPROVE as AMENDED application (25-233) of Hakan Sari with the CONDITIONS the rear yard deck with retractable awning not be further enclosed and rear yard balcony not be further enclosed above or below. The motion was seconded by Ms. Korkidis. The motion carried, all members present voting "AYE".

*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.*

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**ADJOURNED TO: JANUARY 29, 2026**

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

Variances 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.

**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***

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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***

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**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

Variances 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.

5. *MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-182 of Julius & John Harder & Rosann Harder – variance changes based on revise plans submitted*

A motion was made by Mr. Montiglio to DELETE variances 1 and 2 on application (25-182) of Julius John Harder and Roseann Harder. The motion was seconded by Mr. Rigney. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Montiglio to AMEND application (25-182) of Julius John Harder and Roseann Harder as per Kevin Bertolini’s memo. The motion was seconded by Mr. Parodi. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Montiglio to APPROVE as AMENDED application (25-182) of Julius John Harder and Roseann Harder with the CONDITION the front egress window is to be properly landscaped to screen view from the front street without interfering with safety features. The motion was seconded by Mr. Parodi. The motion carried, all members present voting “AYE”.

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**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

Variations 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

Variations 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***

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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***

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**HEARING OF JANUARY 8, 2026**

**HEARING CLOSED: DECISION RESERVED**

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***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

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

Variations 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***

1. *LETTER: From: Lalmi Sultanzada – RE: ZBA 25-231 of Popeye’s – submitting additional information as requested by the Board*

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

Variations 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***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

**HEARING OF JANUARY 15, 2026**

**HEARING CLOSED: DECISION RESERVED**

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.

***DECISION RESERVED***

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

Variations 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.

3. *MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-240 of Robert V. Held – variance changes based on revised plans submitted*

A motion was made by Mr. Montiglio to AMEND as per Kevin Bertolini’s memo dated 1/20/26 on application (25-240) of Robert V. Held and to DELETE variance #4. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Montiglio to APPROVE as AMENDED application (25-240) of Robert V. Held subject to the 4 CONDITIONS on the Planning memo. The motion was seconded by Mr. Dellavecchia. The motion carried, all members present voting “AYE”.

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

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

Variances 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.

***DECISION RESERVED***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

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

Variances 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.

*4. LETTER: From: Nicole Blanda – RE: ZBA 25-239 of Subzero Insulation & Refrigeration Technologies LLC – requesting the Board approve variances requested subject to Fire Marshal's inspection approval*

A motion was made by Mr. Kane to ADOPT a NEGATIVE DECLARATION on application (25-239) of Subzero Insulation and Refrigeration Technologies LLC (tenant)/Town of Babylon Industrial Development Agency (prop. owner). The motion was seconded by Mr. Rigney. The motion carried, all members present voting "AYE".

A motion was made by Mr. Montiglio to APPROVE application ((25-239) of Subzero Insulation and Refrigeration Technologies LLC (tenant)/Town of Babylon Industrial Development Agency (prop. owner); subject to final Fire Marshal approval and standard conditions and Covenants and Restrictions for a public garage, for a PERIOD of ONE YEAR. The motion was seconded by Mr. Rigney. The motion carried, all members present voting "AYE".

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

**CORRESPONDENCE OF JANUARY 22, 2026**

1. LETTER: From: Lalmi Sultanzada – RE: ZBA 25-231 of Popeye’s – submitting additional information as requested by the Board (decision reserved January 8, 2026)

***Read & Filed***

2. E-MAIL: From: G. William Germano, Jr., Esq. – RE: ZBA 25-158 of Capo Trucking Equipment Corporation – requesting revisions to required Covenants (#’s 1 & 7 – see attached draft of C & R form) (approved December 4, 2025)

A motion was made by Mr. Kane to RECALL application (25-158) of Capo Trucking Equipment Corporation. The motion was seconded by Mr. Rigney. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Kane to RECALL and AMEND application (25-158) of Capo Trucking Equipment Corporation as per the applicant’s language, the Covenants and Restrictions on variances #1 and #7. The motion was seconded by Mr. Rigney. The motion carried, all members present voting “AYE”.

A motion was made by Mr. Kane to APPROVE as AMENDED with the modified Covenants and Restrictions on application (25-158) of Capo Trucking Equipment Corporation. The motion was seconded by Mr. Rigney. The motion carried, all members present voting “AYE”.

3. MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-240 of Robert V. Held – variance changes based on revised plans submitted (decision reserved January 15, 2026)

***Read & Filed***

4. LETTER: From: Nicole Blanda – RE: ZBA 25-239 of Subzero Insulation & Refrigeration Technologies LLC – requesting the Board approve variances requested subject to Fire Marshal’s inspection approval (decision reserved January 15, 2026)

***Read & Filed***

5. MEMO: From: Kevin Bertolini, Plans Examiner – RE: ZBA #25-182 of Julius & John Harder & Rosann Harder – variance changes based on revise plans submitted (decision reserved October 30, 2025)

***Read & Filed***

**NOTICE OF PUBLIC HEARING  
TOWN OF BABYLON – ZONING BOARD OF APPEALS  
HEARING OF JANUARY 22, 2026**

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

A motion was made by Ms. Korkidis to ACCEPT the minutes of the Zoning Board of Appeals meetings of December 18, 2025, and January 8, 2026. The motion was seconded by Mr. Parodi. The motion carried, all members present voting “AYE”.

**REVIEW MINUTES OF:** January 15, 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 22, 2026, at 6:45 p.m. The motion was seconded by Ms. McCullough. The motion carried, all members present voting “AYE”.**