



**VILLAGE OF BAXTER ESTATES
315 MAIN STREET
PORT WASHINGTON, NEW YORK 11050**

Telephone: (516) 767-0096

Facsimile: (516) 767-0058

Website: www.BaxterEstates.org

Email: staff@baxterestates.org

Nora Haagenon
Mayor

Charles Comer
Deputy Mayor

Alice Pecklis

Maria Branco

Alexander Price
Trustees

Meghan Kelly
Village Clerk-Treasurer

Elisabeth A. Roberts

Deputy Village Clerk

Robert Barbach

Village Superintendent of Buildings

Christopher J. Prior

Village Attorney

NOTICE OF DENIAL

January 4, 2026 (Revised January 15, 2026)

Section 5, Block 401, Lots 24, 101 & 102

Location: 25 Shore Road

Zones: Business A / Residence A

Owner: The Peter and Jeri Dejana Family Foundation

Area of Work: Demolition of Existing / Construction of New Commercial Office Building

Dear Applicant:

We have reviewed Drawing Nos. T-000, T-001, T-003, T-004, T-005, T-006, T-010, Z-100, Z-101, A-101, A-102, A-103, A-200, A-201, A-300, A-301 and miscellaneous renderings, as prepared by Mark Stumer, dated December 5, 2025; Cover Sheet, C-1, C-2, C-3, C-4, C-5, C-6 and C-7, as prepared by Michael Rant, dated December 5, 2025; L-1.00, L-1.01, L-1.02, L-1.03 and L-1.04, as prepared by Joseph Piscitelli, dated December 5, 2025; and a Traffic Engineering Report as prepared by Sean Mulryan, dated October 8, 2025.

In accordance with Section 175-46 A of the Code of the Village of Baxter Estates, 1 off-street parking space must be provided for each 200 square feet of floor area. As drawn, the proposed building is 10,004 square feet of floor area requiring a minimum of 51 off-street parking spaces. As drawn, the site design indicates that 29 off-street parking spaces are to be provided. Relief is required (by 22 off-street parking spaces) from the required minimum number of off-street parking spaces.

The site design also proposes 7 “land-banked” off-street parking spaces. These off-street parking spaces can be considered as potentially mitigating the nonconforming proposed number of off-street parking spaces, but do not factor into this denial.

In accordance with Section 175-46 H of the Code of the Village of Baxter Estates: “The Board of Trustees shall be authorized to reduce the required amount of off-street parking spaces...upon review and consideration of proposed uses, peak parking demands, vehicle and pedestrian access and circulation, the Board determines that such reduction is consistent with the public health, safety and welfare, and with such conditions that the Board of Trustees deems appropriate to protect the public health, safety and welfare.”

In accordance with Section 147-1 of the Code of the Village of Baxter Estates, the proposed demolition of the existing building and proposed erection of the new building requires “Approval of an original...site development plan...by the Board of Jurisdiction.” Because the subject property is in both the Business A and Residence A zoning districts, the Board of Jurisdiction shall be determined by the Board of Trustees.

Additionally, in preparation for the February 4, 2026 Public Hearing, the Village has become aware of prior decisions by the Zoning Board of Appeals approving the use of Lot Numbers 101 and 102 as open-air off-street accessory parking. The most recent decision from December 9, 1993 did not require further approval of the accessory use of parking “...so long as it’s (the primary building is) used as a banking building with accessory office building.” It appears that some time after the current owner acquired the property, the banking occupancy ceased and the building was occupied by a church. The Village can find no record of subsequent applications to, or approvals by the Zoning Board of Appeals, for the use as parking, in association with the church occupancy.

Given this new information, in addition to the above required approvals, in accordance with Section 175-6 L of the Code of the Village of Baxter Estates, applicant must apply for and receive authorization by the Board of Appeals for the use of Lot Numbers 101 and 102 as open air off-street parking of noncommercial automobiles accessory to and in connection with the permitted uses and buildings in the adjoining business district.

§ 175-6 Permitted uses.

A building may be erected, altered or used, and a lot or premises may be used for any of the purposes set forth in this section and for no other:

- A. A single-family detached dwelling.**
- B. A regularly organized institution of learning approved by the State Board of Regents and supported by public funds.**
- C. A public library, public art gallery, public museum, municipal or volunteer firehouse, municipal park for recreational use, railway passenger station.**
- D. A church or other building used exclusively for religious purposes.**
- E. A parish house or parochial school.**

F. Agriculture, provided there is no display of harvested products for sale and no advertising on premises.

G. Signs as permitted in Article VI, § 175-58D, and § 175-60A, inclusive.

H. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including those specified in Subsections H, I and J.

I. A private garage, detached or attached or within the main building.

J. Other accessory buildings or structures conforming to the provisions of §§ 175-16 and 175-17, and Article VII, § 175-67.

K. A professional office or studio of a doctor, dentist, lawyer, teacher, artist, architect, engineer, accountant or musician, provided the office or studio is located in the dwelling in which said professional person resides, and provided there is no display of advertising except a small professional plate as provided in Article VI, § 175-60A(1).

L. Open air parking adjoining business districts of noncommercial automobiles accessory to and in connection with the permitted uses and buildings in the adjoining business district when authorized by the Board of Appeals pursuant to the provisions of Article IX.

Sincerely

A handwritten signature in black ink that reads "Robert Barbach". The signature is written in a cursive, flowing style with a prominent loop at the end.

Robert Barbach, RA
Superintendent of Buildings
cc: C. Prior – via email