

Town of North Hempstead

Chairman
David L. Mammina, A.I.A.

Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
Patricia A. Goodsell, Esq.



Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
(516) 869-7667
Fax (516) 869-7812

NOTICE OF DECISION

APPEAL #21495 – Danny Andre; 19 Cromwell Rd., Carle Place; Section 9, Block 595, Lot 9; Zoned: Residence-B

Variance from § 70-102.C(5)(a) to construct a pool and pool equipment too close to the side property line.

Whereas, an application (RBP23-000750, BZA23-000160) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 24, 2024**, the appeal in the above-entitled matter was decided as follows:

The variance sought under § 70-102.C(5)(a) for the construction of a pool too close to the side property line is **WITHDRAWN** per the submission of revised plans and the variance sought under § 70-102.C(5)(a) for the construction of pool equipment too close to the side property line is **GRANTED** of the dimension and in the location as shown on drawings prepared by Hrjove Marnika, P.E. dated September 13, 2023 and revised through January 19, 2023 *as amended*.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None

DEBORAH ALGIOS
DEPUTY TOWN ATTORNEY

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NOTICE OF DECISION

APPEAL #21496 - Starry Stone, LLC; 66 Bayview Avenue, Manhasset; Section 3, Block 43, Lot 11; Zoned Business-B/Residence-C

Conditional use 70-126.H for an expansion of parking into a Residence-C District, requiring a modification to an existing conditional use.

Whereas, an application (CBP23-000225, BZA23-000161) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 24, 2024**, the appeal in the above-entitled matter was decided as follows:

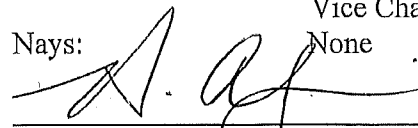
GRANTED of the dimension and in the location as shown on drawings prepared by David A Digiovanni, R.A. dated August 15, 2023 and revised through January 19, 2024 *as amended*.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None



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NOTICE OF DECISION

APPEAL #21507 – Baylawn Plaza, Inc./Westbury Properties (East Coast Tacos); 347 Old Country Rd., Carle Place; Section 10, Block 228, Lot 53; Zoned: Business-A Conditional Use §70-225(B)(7)(a)[2] to expand an existing restaurant with the addition of mobile service counters.

Whereas, an application (CBP23-000184, BZA23-000168) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 24, 2024**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Brian M. Fiore, R.A. dated June 12, 2023, and revised through November 28, 2023, **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER**

SEE ATTACHED RIDER

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman Francis Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None



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Town of North Hempstead

Rider to Appeal # 21507(Conditions)

APPEAL #21507 – Baylawn Plaza, Inc./Westbury Properties (East Coast Tacos); 347 Old Country Rd., Carle Place; Section 10, Block 228, Lot 53; Zoned: Business-A
Conditional Use §70-225(B)(7)(a)[2] to expand an existing restaurant with the addition of mobile service counters.

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to the issuance of a Certificate of Occupancy or Certificate of Completion. All pick-up of sanitation shall be performed after 8:00 a.m.
2. That all exterior doors (with the exception of the primary customer entrance door) shall be of solid construction in a material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may the number of seats on the premises exceed **10** the maximum occupancy of the building as permitted by the Place of Public Assembly license, whichever is less. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That, if applicable, the applicant shall obtain a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:
 - [1]. an increase in the size of an approved kitchen by 20% of floor area of said kitchen, or 250 square feet, whichever is less, inclusive of prep areas, is proposed.
 - [2]. The addition or removal of counter/kiosk service for the placement of a food order.
7. That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the

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conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

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NOTICE OF DECISION

APPEAL #21509 – Golda Realty, LLC; 30 Glen Cove Rd., Greenvale; Section 20, Block 29, Lot 52; Zoned: Business-B/Residence-C

Variance § 70-103(A)(1) to construct interior alterations to an existing retail store, converting it to a medical spa with not enough parking.

Whereas, an application (CBP23-000281, BZA23-000164) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 24, 2024**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Luigi Gileno, R.A. dated August 25, 2023 and revised through November 8, 2023.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None.

DEBORAH ALGIOS
DEPUTY TOWN ATTORNEY

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