

Town of North Hempstead

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

Members
Leslie Francis, Esq.
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

TO: TOWN CLERK
FROM: Virginia Wagner, Secretary
CC: Building Dept.
DATE: March 27, 2024
RE: BZA Decisions for March 20, 2024

| Appeal No. | Name | Sec. | Blk. | Lots |
|------------|-----------------------------------|------|------|------|
| 21478 | Karen and Adam Zalta | 2 | 35 | 17 |
| 21487 | Rupert Yan | 2 | 353 | 12 |
| 21490 | Edward Probst | 7 | 197 | 94 |
| 21498 | Yannan Wang | 3 | 40 | 936 |
| 21505 | 9 Powerhouse Rd., LLC (Starbucks) | 7 | 72 | 71 |
| 21513 | Christopher Amico | 9 | 91 | 63 |
| 21514 | Linda Cadelli | 9 | 548 | 7 |
| 21520 | John Keklas | 3 | 34 | 19 |
| 21521 | Benjamin Wang | 3 | 91 | 5 |
| 21524 | Little Smiles | 5 | 81 | 4 |
| 21525 | Orlando's Deli | 5 | 126 | 225 |
| 21526 | Greenvale Realty Holdings | 7 | D | 242 |

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

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 #21478 - Karen and Adam Zalta; 10 Parkside Drive, Great Neck; Section 2, Block 35, Lot 17; Zoned: Residence-A

Variance from §70-29.B to construct additions that would make a home too big.

Whereas, an application (RBP22-000318, BZA22-000179) 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 **March 20, 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 Dov Hadas, R.A. dated December 25, 2022.

IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

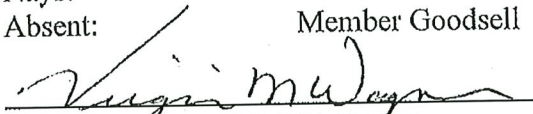
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider (Findings of Fact for Appeal # 21478)

APPEAL #21478 - Karen and Adam Zalta; 10 Parkside Drive, Great Neck; Section 2,
Block 35, Lot 17; Zoned: Residence-A

Variance from §70-29.B to construct additions that would make a home too big.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. The Board finds that granting the requested variances will not produce an undesirable change in the character of the neighborhood or community, especially since (per the revised plans) the applicants have significantly reduced the gross floor area (GFA). In addition, the Board notes that the application complies with all other setback, height and coverage requirements of the zoning code. The Board also considered evidence the applicant submitted into the record which identified seven other homes on the subject block with a GFA in excess of permitted (range from 6% to 19% over permitted). Five out of the seven aforementioned homes had additions or were constructed with living space over the attached garage. The Board notes that the subject house is situated on an oversized lot, and with the additions will be in keeping with other homes in the neighborhood.
2. The Board does not find that there are any other alternatives to the requested variance which would achieve the benefit of the applicant. At the request of the Board the applicant revised the plans to minimize the amount of excess gross floor area being proposed.
3. Although the Board finds that the variance requested for gross floor area "GFA" could in other circumstances, be considered substantial (206 s.f. or 5.47 % in excess of what is permitted by Code) the revised plans demonstrate the minimum variance for GFA which is necessary to achieve the benefit sought by the applicant.

THIS IS NOT A BUILDING PERMIT

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

4. The board finds that the requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is self-created in that the applicant seeks to renovate and expand their home which will require variances. The Board does not find this factor to weigh in favor of denial.

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

THIS IS NOT A BUILDING PERMIT

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 #21487 - Rupert Yan; 96 Oxford Boulevard, Great Neck; Section 2, Block 353, Lot 12; Zoned: Residence-A

Variances §§70-29 & 70-30.A & 70-208.F to construct a foyer on a non-conforming home that is too close to the street and makes the house too big.

Whereas, an application (RBP23-000721, BZA23-000155) 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 **March 20, 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 Edward C. Hicks, R.A., dated July 11, 2023.

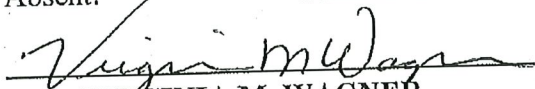
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

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

Nays: None

Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

THIS IS NOT A BUILDING PERMIT

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 #21490 – Edward Probst; 52 Netz Pl., Albertson; Section 7, Block 197, Lot 94;
Zoned: Residence-B
Variances from §§ 70-40, 70-41, & 70-39 to construct additions that would be too close to the street, have smaller than required side yards and total (aggregate) side yard setbacks, and would make the home too big.

Whereas, an application (RBP23-000411, BZA23-000152) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

DENIED

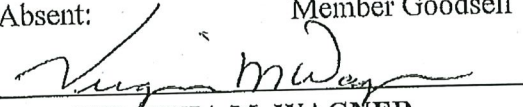
IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None
Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal #21490 (Findings of Fact)

**APPEAL #21490 – Edward Probst; 52 Netz Pl., Albertson; Section 7, Block 197, Lot 94;
Zoned: Residence-B**

Variances from §§ 70-40, 70-41, & 70-39 to construct additions that would be too close to the street, have smaller than required side yards and total (aggregate) side yard setbacks, and would make the home too big.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, a review of Building Department files, and a review of the Town Code as it pertains to development of this property, the Board finds the following with respect to these criteria:

§ 70-39

1. With respect to the variance requested under 70-39 the Board finds that the home as constructed would exceed the size permitted by the Zoning Code and as such would affect neighboring properties and the overall character of the neighborhood. The neighborhood is overwhelmingly characterized by smaller homes on lots similar in size to the subject property (although some lots on the opposite side of Netz Place are larger). Although the applicant submitted additional information to the Board regarding other gross floor area ("GFA") variances that have been granted by the Board, all of the properties cited are in different neighborhoods with different circumstances. All but two of the examples were in a completely different zoning district. The Board reviewed these decisions (including those homes situated in different zoning districts) and has determined that each appeal cited by the applicant is distinguishable and would not constitute a precedent for granting similar relief under the subject appeal. The Board will address the two homes cited by the applicant that are in the same zoning district. In Appeal 21053 a home in New Hyde Park received a GFA variance for 91 s.f. In that case, the applicant had reduced the GFA overage from 211 s.f. to 91 s.f. to comply with a request by the Board. The Board found that with the reduced GFA the home was in keeping with the neighborhood which was comprised of a mix of both large

THIS IS NOT A BUILDING PERMIT

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

and small homes. In that case, the applicant had also eliminated a proposed two-story portico which had contributed to the bulk of the home. In the only other Appeal cited by the applicant in the Residence B Zoning District (Appeal 21082), the Board granted a GFA variance of 377 s.f. for a home in Port Washington. This home which is located approximately six miles from the subject home is situated on an oversized lot at the end of a dead-end street. Because of these circumstances and the fact that the neighborhood is comprised of other large homes, the Board in that appeal found that the increased GFA would have no recognizable negative impact on the neighborhood.

At the hearing the applicant submitted exhibits of four (4) other homes in the neighborhood, none of which received variances from the Board for GFA. Therefore, without any information to indicate otherwise, it can be assumed that these other homes (homes in the neighborhood) were constructed in accordance with the gross floor area requirements of the code that existed at the time of construction. The applicant's proposal to construct a home that would exceed GFA by 347 s.f. would be out of character with these compliant homes.

In an effort to point out why the request for a GFA variance on this property would be considered a significant factor in the Board's decision, Member Donatelli made the following statement at the hearing, "you've mentioned several times that it's a 50-foot wide lot, and yes, that is an issue, but that's why it's especially important for us to try and limit the gross floor area because it is a smaller lot, and so proportionally, it's that much more intrusive from a bulk point of view." (see page 67 of the transcript).

The Board finds that granting the requested variances would also set a precedent for granting similar variances which would, over time, result in a change in the character of the neighborhood. The Board finds this factor to be especially compelling given the fact that alternatives to the variance exist where the applicant could achieve the same benefit without the necessity of the variance (see below).

2. Although the Board recognizes the applicant's need to provide more space for their family, the Board finds that reducing the size of some areas/rooms and relocating or eliminating other areas would reduce or possibly eliminate the need for a variance under this section of the code. This was discussed and recommended by several board members at the hearing. The Chairman specifically stated, "So, I think, for myself, as one board member, there are alternatives." (page 66 of the transcript line 24-25). For example, the applicant is converting the garage to storage space which will be counted towards GFA. The Board notes that the floor plans show a finished basement which could be used for this purpose. The converted garage could then be used as a home office and would eliminate the need to provide the home office/gym on the second floor above the garage. The large master bedroom could also be modified to include the walk-in closet which would eliminate the need to locate the walk-in closet over the garage. Though these modifications might not eliminate the need for a GFA variance entirely, they would reduce the magnitude of the variance which is necessary. Therefore, the Board finds that the requested GFA variance is NOT the minimum variance necessary and adequate for the applicant to meet his needs while preserving the character of

THIS IS NOT A BUILDING PERMIT

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:36

the neighborhood. At the conclusion of the hearing the record was left open for the applicant to submit additional information in support of the appeal and to give the applicant an opportunity to revise their plans. The applicant chose not to revise their plans.

3. The Board finds the requested variance of 347 s.f., which represents a variance of 12.34 % is substantial both numerically and given its potential negative impact to the neighborhood.
4. The Board finds that granting the requested variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is self-created in that the applicant seeks to renovate and expand their home in a way that will require variances. Although this fact is not determinative, the Board finds it weighs in favor of denial.

§ 70-40 & 70-41

1. The Board does not find these variances to be substantial and therefore, might otherwise grant these variances under a different development plan for the home. However, the Board finds that granting these variances together with the large GFA variance being requested, would produce an undesirable change in the character of the neighborhood and therefore, these variances are DENIED.

In weighing the aforementioned factors, the Board finds that the detriment to the health, safety and welfare of the neighborhood or community outweighs the benefit the applicant would receive if the variance(s) were granted, and therefore the variance(s) are denied.

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

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 #21498 - Yannan Wang; 13 Bayview Court, Manhasset; Section 3, Block 40, Lot 936; Zoned: Residence-C
Variances from §§ 70-48, 70-29.B, 70-51.A and 70-208.F to construct an addition that is too close to a side property line, makes the home too big, and covers too much of the lot for a non-conforming home.

Whereas, an application (BP19-113386, PAR23-000202, BZA23-000173) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

GRANTED with respect to the variances sought under §§ **70-29.B** and **70-208.F** of the dimension and in the location as shown on drawings prepared by Marcelo Kohan, R.A. dated October 15, 2023 and revised through October 18, 2023 *as amended*. The variances sought under §§ **70-48** and **70-51.A** were **WITHDRAWN** per the submission of revised plans.

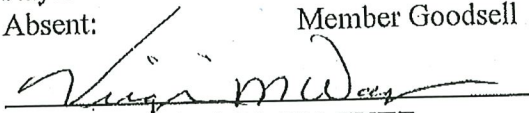
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

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

Nays: None

Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

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 #21505 - 9 Powerhouse RD LLC (Starbucks); 9 Powerhouse Road, Roslyn Heights; Section 7, Block 72, Lot 71; Zoned: Business-A

Appeal for determinations, or in the alternative, variances from 70-203.G, 70-203.T(2)(c), 70-203.T(2)(f), 70-203.T(2)(j) and 70-196(J)(1)(a), a conditional use under 70-126.F, and variances from 70-103.B, 70-103.F, 70-103.M, 70-103.O, 70-134, 70-203.T(2)(a)[3], 70-203.T(2)(b), 70-196.J(1)(b), 70-196.J(1)(f), 70-196.J(2)(a), 70-196.J(2)(b), 70-196.J(2)(c), and 70-196.J(2)(d) to construct a new drive through coffee shop (a conditional use) with parking spaces and access aisles that are too small, no loading zone, parking in a front yard, a dumpster located within a required rear yard setback, a dumpster, bypass lane, and handicap access aisle located within a required landscape buffer which makes the buffer too small and does not effectively screen the facility from the adjacent residential property, vehicle standing spaces interfering with the ability to use parking spaces, vehicle standing spaces located in a way so that headlights are visible from the adjoining residential use, pedestrian pathways conflicting with vehicle standing spaces and the drive through lane and aisle, a bypass lane that is not being provided for all vehicle standing spaces, construction of too many signs on a wall, wall signs that are too tall and too high above the ground, too many detached ground signs on the property, a ground sign that is too large, ground signs that are too close to property lines, and ground signs that do not have enough space between the bottom of the sign and the ground.

Whereas, an application (CBP22-000185, SGP23-000057, SGP23-000058, SGP23-000059, SGP23-000060, SGP23-000061, SGP23-000062, SGP23-000063, SGP23-000064, SGP23-000065, SGP23-000066, SGP23-000067, SGP23-000068, SGP23-000069, BZA23-000165) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and **Whereas**, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby establishes itself as "lead agency" and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **March 20, 2024**, the appeal in the above entitled matter was decided as follows:

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

GRANTED of the dimension and in the location as shown on drawings prepared by Edward Paul Butt, R.A dated May 9, 2022 and revised through November, 28, 2023, on drawings prepared by John V. Catapano, P.E. dated March 9, 2023 and on drawings prepared by Michael J. Rant dated June 29, 2022 and revised through January 16, 2024
SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.

SEE ATTACHED RIDER

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

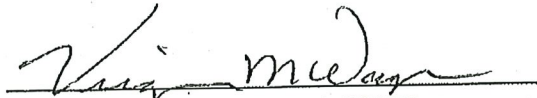
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Goodsell



VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21505(Conditions)

APPEAL #21505 - 9 Powerhouse RD LLC (Starbucks); 9 Powerhouse Road, Roslyn Heights; Section 7, Block 72, Lot 71; Zoned: Business-A

Appeal for determinations, or in the alternative, variances from 70-203.G, 70-203.T(2)(c), 70-203.T(2)(f), 70-203.T(2)(j) and 70-196(J)(1)(a), a conditional use under 70-126.F, and variances from 70-103.B, 70-103.F, 70-103.M, 70-103.O, 70-134, 70-203.T(2)(a)[3], 70-203.T(2)(b), 70-196.J(1)(b), 70-196.J(1)(f), 70-196.J(2)(a), 70-196.J(2)(b), 70-196.J(2)(c), and 70-196.J(2)(d) to construct a new drive through coffee shop (a conditional use) with parking spaces and access aisles that are too small, no loading zone, parking in a front yard, a dumpster located within a required rear yard setback, a dumpster, bypass lane, and handicap access aisle located within a required landscape buffer which makes the buffer too small and does not effectively screen the facility from the adjacent residential property, vehicle standing spaces interfering with the ability to use parking spaces, vehicle standing spaces located in a way so that headlights are visible from the adjoining residential use, pedestrian pathways conflicting with vehicle standing spaces and the drive through lane and aisle, a bypass lane that is not being provided for all vehicle standing spaces, construction of too many signs on a wall, wall signs that are too tall and too high above the ground, too many detached ground signs on the property, a ground sign that is too large, ground signs that are too close to property lines, and ground signs that do not have enough space between the bottom of the sign and the ground.

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 0 or 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.

THIS IS NOT A BUILDING PERMIT

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

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 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.

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

Town of North Hempstead

Chairman
David L. Mamma, 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 #21513 – Christopher Amico; 108 South St., Herricks; Section 9, Block 91, Lot 63; Zoned: Residence-B
Variances from §§ 70-101(B), 70-208(F) & 70-231 to legalize a non-conforming roofed-over raised terrace too close to a street, and a detached garage that is too deep.

Whereas, an application (RBP22-000657, BZA24-000004) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

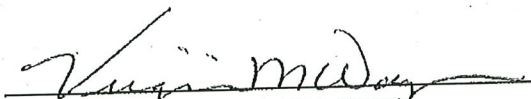
GRANTED of the dimension and in the location as shown on drawings prepared by Jeff A. Zahn, R.A. dated May 6, 2022 and revised through November 3, 2023 and on a survey prepared by Aerial Land Surveying, D.P.C dated July 7, 2021 and revised through July 6, 2022.

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

Ayes: Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mamma

Nays: None
Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:37

THIS IS NOT A BUILDING PERMIT

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 #21514 – Linda Cadelli; 19 Conway Rd., New Hyde Park; Section 9, Block 548, Lot 7; Zoned: Residence-C

Variances from §§ 70-101.B, 70-101.C, 70-100.2L, 70-100.2A(4)(b) & 70-100.2M to legalize a raised terrace and one-story vestibule too close to a street, light piers that are too tall, fencing that is too tall, and an arbor that is too tall.

Whereas, an application (RBP22-000975, RFP23-000238, BZA23-000178) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-100.2A(4)(b) for legalization of a fence which is too tall and **GRANTED** with respect to the variances sought under §§ 70-101.B, 70-101.C, 70-100.2L, & 70-100.2M to legalize a raised terrace and one-story vestibule too close to the street, light piers that are too tall and an arbor that is too tall of the dimension and in the location as shown on drawings prepared by Michael Scott Sudano, R.A. dated January 6, 2023 and revised through August 16, 2023 *as amended (with separate photosimulation of reduced height light piers)* **SUBJECT TO THE FOLLOWING CONDITON:**

- *The light piers shall be no taller than 39" from the base to the top.*

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:38

THIS IS NOT A BUILDING PERMIT

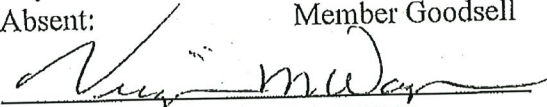
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Absent: Member Goodsell



VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:38

THIS IS NOT A BUILDING PERMIT

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 #21520 - John Kekllas; 8 Deepdale Drive, Manhasset; Section 3, Block 34, Lot 19;
Zoned: Residence-A
Variance from 70-100.2(A)(2) to legalize a wood fence/gate and a masonry fence in a front yard.

Whereas, an application (RFP23-000336, BZA24-000011) 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 **March 20, 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 Angela Ann Mangels, R.A. dated June 2023.

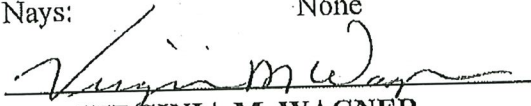
IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

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


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:38

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal #21520 (Findings of Fact)

APPEAL #21520 - John Kekllas; 8 Deepdale Drive, Manhasset; Section 3, Block 34, Lot 19;
Zoned: Residence-A

Variance from 70-100.2(A)(2) to legalize a wood fence/gate and a masonry fence in a front yard.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. The Board finds that granting the requested variances will not produce an undesirable change in the character of the neighborhood or community. Evidence submitted at the hearing shows that the fences have been in this location for many years and pre-date the code restriction which prohibits fences in the front yard.
2. The fences are located immediately in front of the Deepdale Drive entrance from Northern Blvd and act as a protective barrier and buffer from cars driving into the neighborhood from the busy commercial corridor.

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:38

THIS IS NOT A BUILDING PERMIT

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 #21521 – Benjamin Wang; 38 South Dr., Manhasset; Section 3, Block 91, Lot 5;
Zoned: Residence-B**
Variances from §§ 22-4 & 70-101.1(A) to legalize a fire pit located too close to a house and to legalize a fire pit and outdoor kitchen located within a side yard (not permitted).

Whereas, an application (RBP22-000150, BP17-106824, BZA24-000009) 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 **March 20, 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 Xiu Chen, P.E. dated September 7, 2023 and revised through September 29, 2023 and on a survey prepared by Arkadiusz Jusiega, L.S. dated February 28, 2023.

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

Motioned by: Member Hernandez Seconded by: Member Goodsell

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:38

THIS IS NOT A BUILDING PERMIT

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 #21524 - Little Smiles; 110 Main Street, Port Washington; Section 5, Block 81, Lot 4; Zoned: Business-B/Residence-C

Conditional use §§70-139.A (70-126.H) for commercial parking in a residence district and variances from §§70-103.A, 70-103.M, 70-196.A, 70-196.J(1)(d) and 70-203.G to construct alterations to convert office space to medical office space with not enough parking on site, parking within a front yard, too many wall signs on a wall, a wall sign that is in a right-of-way, the reduction of a required landscape buffer and the addition of parking in a landscaped buffer.

Whereas, an application (CBP24-000010, SGP24-000032, BZA24-000017) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

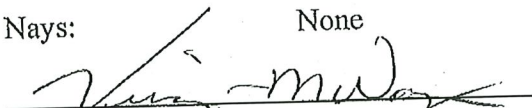
GRANTED of the dimension and in the location as shown on drawings prepared by Christopher W. Robinson, P.E. dated September 19, 2023 and revised through January 29, 2024, on drawings prepared by Rand K. Rosenbaum, R.A. dated October 16, 2023 and revised through January 29, 2024 and on plans prepared by Universal Signs and Service dated July 20, 2023.

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:39

THIS IS NOT A BUILDING PERMIT

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 #21525 - Orlando's Deli (14-16-18 Port Washington Inc); 18 Main Street, Port Washington; Section 5, Block 126, Lot 225; Zoned: Business-B
Conditional use 70-126.F to construct interior alterations to convert a space to a retail food use.

Whereas, an application (CBP23-000345, BZA24-000016) 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 **March 20, 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 Arnold Seth Montag, R.A. dated October 27, 2023 and revised through January 5, 2024
SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.

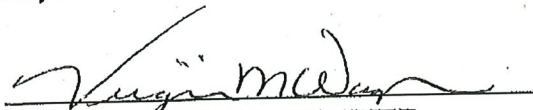
SEE ATTACHED RIDER

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

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:39

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21525 (Conditions)

APPEAL #21525 - Orlando's Deli (14-16-18 Port Washington Inc); 18 Main Street, Port Washington; Section 5, Block 126, Lot 225; Zoned: Business-B
Conditional use 70-126.F to construct interior alterations to convert a space to a retail food use.

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 12 or 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:
 - [3]. 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.
 - [4]. 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

THIS IS NOT A BUILDING PERMIT

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:39

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.

8. All deliveries to the deli and all take-out/delivery services (i.e. Uber Eats, Door Dash etc.) visiting the deli shall park in the rear of the building.
9. A safety plan for the protection of the outdoor seating area shall be submitted to the Building Department prior to the issuance of a Certificate of Occupancy for the delicatessen.

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:39

THIS IS NOT A BUILDING PERMIT

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 #21526 – Greenvale Realty Holdings, LLC; 13 Glen Cove Rd., Greenvale; Section 7, Block D, Lot 242; Zoned: Business-B
Variances from §§ 70-103(A)(1) & 70-103(F)(1) to legalize additions to a commercial structure with not enough parking and not enough loading zones.

Whereas, an application (CBP23-000315, BZA24-000010) 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 **March 20, 2024**, the appeal in the above-entitled matter was decided as follows:

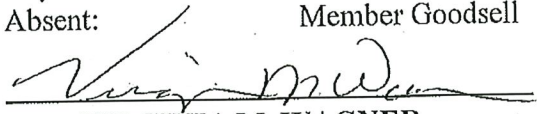
GRANTED of the dimension and in the location as shown on drawings prepared by Peter A. Cinquemani, R.A. dated October 31, 2023.

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

Motioned by: Vice Chairman Francis Seconded by: Member Hernandez

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

Nays: None
Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TNH TOWN CLERK
MAR 28 '24 AM 9:39

THIS IS NOT A BUILDING PERMIT