

# 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:** April 22, 2024  
**RE:** BZA Decisions for April 17, 2024

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Appeal No.	Name	Sec:	Blk.	Lots
21482	Phyllis Scobbo	5	25	4
21499	Alexander & Mariana Shakhmurov	7	223	14
21518	Puckhaber Realty, Inc.	10	7	27
21522	Zahid Khan (John Doko)	4	95	71
21523	Farley Kamhi	9	467	33
21526	Brian Sapanski	8	268	27
21531	Diana Ho	3	40	510
21533	Veronica Cook	7	47	114
21534	Yin Liu & Dingyong	8	19	192
21535	Tina Yu	10	19	70
21537	Country Glen, LLC	9	670	27

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## Board of Zoning Appeals

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### NOTICE OF DECISION

**APPEAL #21482 – Phyllis Scobbo; 1212 Port Washington Blvd., Port Washington; Section 5, Block 25, Lot 4; Zoned: Residence-C/Business-B**

Variances from §§ 70-51.A, 70-101.1.B, 70-208.F and 70-100.2(4)(a)[5] to legalize a two-story rear addition too close to a side property line and expanding a non-conforming dwelling, a roofed-over patio too close to a side property line, and a fence that is too high on a property with a non-conforming dwelling in a business district being reviewed under the rules of the Residence-C district pursuant to § 70-208.K.

**Whereas**, an application (EUA23-000001, RBP-23-000727, RFP23-000255, PAR23-000152), BZA23-000146) 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 **April 17, 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 Donald Alberto, R.A. dated July 31, 2023 and on a survey prepared by Frank Galuzzo, L.S. dated November 16, 2022.

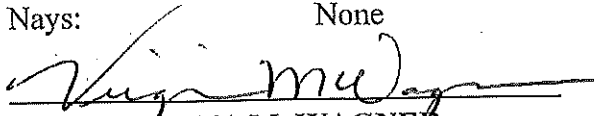
**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

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

Motioned by: Member Donatelli                      Seconded by: Vice Chairman Francis

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

Nays: None

  
VIRGINIA M. WAGNER  
SECRETARY

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

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### Findings of Fact for Appeal # 21482

**APPEAL #21482 – Phyllis Scobbo; 1212 Port Washington Blvd., Port Washington; Section 5, Block 25, Lot 4; Zoned: Residence-C/Business-B**

Variances from §§ 70-51.A, 70-101.1.B, 70-208.F and 70-100.2(4)(a)[5] to legalize a two-story rear addition too close to a side property line and expanding a non-conforming dwelling, a roofed-over patio too close to a side property line, and a fence that is too high on a property with a non-conforming dwelling in a business district being reviewed under the rules of the Residence-C district pursuant to § 70-208.K.

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:

The subject house was constructed in 1913 and has been owned by the Scobbo family since the 1920's. The property is located on a main roadway at the end of a busy commercial corridor. The property is split-zoned with the first 100 feet being in the Business B Zoning District and the rear of the property being in the Residence C Zoning District. The house on the property is used as a residence and the rear of the property is used to store vehicles and equipment for the owner's business. The home's use as a non-conforming pre-existing residence in a business district requires that the building department apply the standards pertaining to the Residence C District pursuant to Town Code §70-208(K).

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 rear addition was constructed approximately fifty years ago and maintains the pre-existing nonconforming side yard setback of the original home. The Board also took into consideration that if the use of the home was converted from a residence to an office (a permitted use), no variance would be required for the reduced side yard setback. Since use of the home as an office would not change the impact of the addition's reduced setback to the neighborhood, the Board finds this fact to weigh in favor of the application. Additionally, the Board notes that the property directly abutting the addition (the most affected property) is in common ownership with the

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subject property and any future owner of that property would purchase it subject to and with knowledge of the existing conditions. The Board finds that the six-foot fencing on the side of the property and the seven-foot fencing in the rear of the property does not negatively impact the neighborhood, facilitates the screening of the commercial equipment stored in the back of the property, and as stated above would be permitted but for the use of the house as a residence instead of an office. The Board finds sufficient evidence that the roofed over patio has existed for a long time and is adjacent to the neighboring property owned by the Scobbo family. Therefore, the Board finds that granting the requested variances will not cause an undesirable change in the character of the neighborhood. Given the uniqueness of the property the Board finds that there is no other alternative feasible for the applicant to achieve the benefit it is seeking. Finally, the Board finds that the difficulty is partially self-created in that the applicant constructed the addition after the enactment of the Town Code. However, given the facts described above, the Board does not find this factor to weigh in favor of denial.

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### NOTICE OF DECISION

**APPEAL #21499 – Alexander & Mariana Shakhmurov; 41 Shadetree Ln., Roslyn Heights; Section 7, Block 223, Lot 14; Zoned: Residence-AA**

Variance from § 70-22.6 to extend a driveway which exceeds the allowable amount (coverage) of front yard paving.

**Whereas**, an application (RBP23-000881, BZA23-000172) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

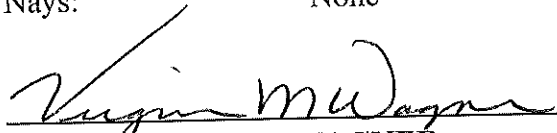
**GRANTED** of the dimension (34.96% front yard paving) and in the location as shown on drawings prepared by Michael K. Dunn, R.A. dated October 18, 2023 and revised through April 4, 2024 *as amended*.

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

  
VIRGINIA M. WAGNER  
SECRETARY

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### NOTICE OF DECISION

**APPEAL #21518 – Puckhaber Realty, Inc. (Village Delicatessen Signs); 280 Westbury Ave., Carle Place; Section 10, Block 7, Lot 27; Zoned: Business-B**  
Variances from §§ 70-196(J)(2)(c) to construct a ground sign too close to a street.

**Whereas**, an application (SGP23-000126, CBP23-000217, BZA24-000003) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

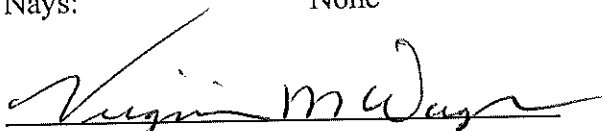
**GRANTED** of the dimension and in the location as shown on drawings prepared by Erik A. Bjorneby, R.A. dated March 29, 2024 *as amended*.

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

Motioned by: Member Goodsell                      Seconded by: Member Hernandez

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

Nays: None

  
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### NOTICE OF DECISION

**APPEAL #21522 - Zahid Khan (John Doko); 162 Cow Neck Road, Port Washington, Section 4, Block 95, Lot 71; Zoned: Residence-B**  
Variance from §70-100.2(A)(2) to legalize fencing in the front yard.

**Whereas**, an application (RFP22-000379, BZA23-000015) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

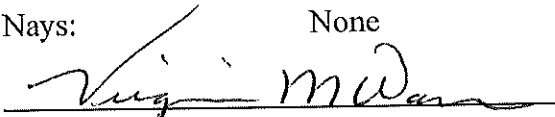
**GRANTED** of the dimension and in the location as shown on a survey prepared by Paul Barylski, L.S. dated August 19, 2022.

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 Mammìna

Nays: None

  
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### NOTICE OF DECISION

**APPEAL #21523 - Farley Kamhi; 135 Park Avenue, Carle Place; Section 9, Block 467, Lot 33; Zoned: Residence-B**

Variances from §§70-100.2(M), 70-100.2(A)(2) and 70-100.2(A)(4) to construct and to legalize fencing that is too tall and located within in a front yard and to legalize an arbor that is too tall and too wide and located within a front yard.

**Whereas**, an application (RFP22-000377, BZA23-000008) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

**DENIED** with respect to the variance sought under § 70-100.2 (A)(2) to construct fencing in the front yard (along the rear property line past the effective building line), **GRANTED** with respect to the variance sought under § 70-100.2 (A)(2) to legalize fencing in the front yard (6' fence from dwelling to side property line (gate) past effective building line), **GRANTED** with respect to the variance sought under § 70-100.2(A)(4) to legalize fencing that is too tall (6' fencing along the side property line), **GRANTED** with respect to the variance sought under § 70-100.2(M) to legalize an arbor that is too tall and, **GRANTED (as amended by the Board)** with respect to the variance sought under 70-100.2 (A)(2) to construct fencing in the front yard (fencing from front property line to dwelling in primary front yard, fencing along primary front property line (abutting Midtown Road) and fencing along side property line past effective building line) of the dimension and in the location as shown on drawings prepared by Norman C. Lok, P.E. dated November 22, 2022 and revised through February 29, 2023 *as amended by the BZA* **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. The fence located in the primary front yard shall be setback 4' from Midtown Road.*
- 2. The fence located in the primary front yard shall be a 4' high estate style fence.*

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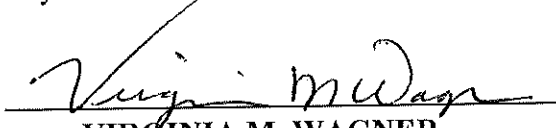
**3. *Arborvitae shall be planted in front of the fence along Midtown Road***

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

  
\_\_\_\_\_  
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### NOTICE OF DECISION

**APPEAL #21526 - Brian Sapanski; 23 Sutton Hill Ln., New Hyde Park; Section 8, Block 268, Lot 27; Zoned: Residence-A**

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

**Whereas**, an application (RBP22-000753, BZA24-000022) 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 **April 17, 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 William J. Cohen, R.A. dated July 10, 2023 and revised through February 22, 2024.

**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 Goodsell                      Seconded by: Member Hernandez

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

Nays: None

A handwritten signature in black ink, appearing to read "Virginia M. Wagner", written over a horizontal line.

**VIRGINIA M. WAGNER**  
**SECRETARY**

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# **Board of Zoning Appeals**

## **Town of North Hempstead**

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### **Findings of Fact for Appeal # 21526**

**APPEAL #21526 - Brian Sapanski; 23 Sutton Hill Ln., New Hyde Park; Section 8, Block 268, Lot 27; Zoned: Residence-A**

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

The Board finds the applicant has submitted sufficient evidence to support why this application should be given special consideration under the Americans with Disabilities Act 28 C.F.R. § 35. Pursuant to § 35.130(b)(7), local governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability.

After careful consideration of testimony and other evidence submitted on the record for this appeal, the Board finds that the person to be accommodated has a disability; the modification being requested (to construct additions that would make the home too big) is reasonably necessary to accommodate the disability; and the modification will not fundamentally and unreasonably alter the purpose of the zoning ordinance due to the limitations and conditions being imposed.

Given the above, the board grants the relief requested under § 70-29.B to construct additions that would make the home too big, as a reasonable modification to the Zoning Code in order to accommodate the disability of the applicant's child.

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### NOTICE OF DECISION

**APPEAL #21531 - Diana Ho; 170 Hillside Ave., Manhasset; Section 3, Block 40, Lot 510;  
Zoned: Residence-C**

Variations from §§ 70-102.C(2), 70-102.C & 70-100.1 to legalize and to construct a pool barrier fence in a front yard forward of the rear building line, and to construct a pool and an outdoor kitchen/BBQ in a side yard.

**Whereas**, an application (RBP22-000834, RBP22-000837, RFP22-000320, RFP223-000326, BZA24-000028) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

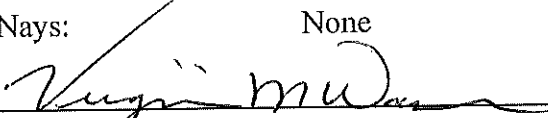
**GRANTED** of the dimension and in the location as shown on drawings prepared by Andrew S. Braum, P.E. dated August 4, 2022 and revised through January 26, 2024 *as amended by the Board.*

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 Mammìna

Nays: None

  
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### NOTICE OF DECISION

**APPEAL #21533 - Veronica Cook; 21 Pearsall Place, Roslyn Heights; Section 7, Block 47, Lot 114; Zoned: Residence-C**

Variances from 70-50.C and 70-101.B to construct a 2<sup>nd</sup> story addition and a porch that are too close to the street.

**Whereas**, an application (RBP23-001005 BZA24-000027) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

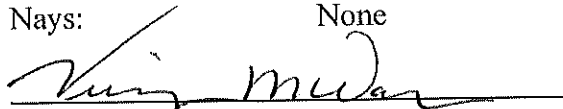
**GRANTED** of the dimension and in the location as shown on drawings prepared by Norman C. Lok, P.E. dated October 18, 2023 and revised through February 1, 2024.

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

  
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### NOTICE OF DECISION

**APPEAL #21534 - Yin Liu & Dingyong Li; 956 N. Seventh St., New Hyde Park; Section 8, Block 19, Lot 192; Zoned: Residence-C**

Variance from § 70-51 to legalize a one-story rear addition too close to a side property line.

**Whereas**, an application (BP20-101428, RBP23-000250, BZA24-000024) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

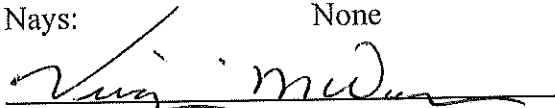
**GRANTED** of the dimension and in the location as shown on drawings prepared by Naresh K. Mahangu, P.E. dated December 5, 2023 and on a survey prepared by Jason D. Leadingham, L.S. dated December 27, 2023.

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

Motioned by: Member Goodsell      Seconded by: Vice Chairman Francis

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

Nays: None

  
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### NOTICE OF DECISION

**APPEAL #21535 - Tina Yu; 66 Cherry Lane, Carle Place; Section 10, Block 19, Lot 70;  
Zoned: Residence-C**

Variances from §§70-49 and 70-100.1 to legalize a detached garage that is too close to a property line and makes a dwelling too big.

**Whereas**, an application (RBP23-001066, BZA24-000021) 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 **April 17, 2024**, the appeal in the above-entitled matter was decided as follows:

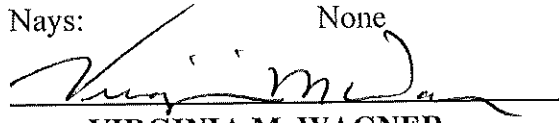
**GRANTED** of the dimension and in the location as shown on drawings prepared by Nicholas Timothy Williamson, R.A. dated December 14, 2023 and revised through February 28, 2024 and on a survey prepared by Arkadiusz Jusiega, L.S. dated November 3, 2022 and revised through January 3, 2024.

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

  
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### NOTICE OF DECISION

**APPEAL #21537 - Country Glen, LLC (Nava Health MD, Inc.); 119 Old Country Road, Carle Place; Section 9, Block 670, Lot 27; Zoned: Industrial-B**

Variations from §§ 70-103.A, 70-196(J)(1)(b) and 70-196(J)(1)(f) to construct interior alterations to convert a retail space to a health center with not enough parking, and a wall sign that is too tall and too high.

**Whereas**, an application (CBP24-000014, SGP24-000041, BZA24-000026) 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 **April 17, 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 Laurel R. Martin, R.A. dated December 20, 2023 and on plans prepared by Signage Solutions dated October 26, 2023 and revised through February 13, 2024 *as amended by the Board*  
**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. *Applicant shall remove the white background from the sign and the lettering shall be mounted directly on the building.*
2. *The sign shall be backlit.*

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

A handwritten signature in black ink, appearing to read "Virginia M. Wagner".

**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**