

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

AMENDED NOTICE OF DECISION

APPEAL #21133 – Ronald Zdrojeski; 10 Hill Crest Rd., Port Washington, Section 5, Block 15, Lot 9; Zoned Residence-A

Variations from §§ 70-31.B and 70-100.2.A to legalize a deck and planters too close to a side property line, and construct a fence that is too tall. Synopsis: The Board of Zoning Appeals previously granted the applicant's appeal for a variance from §7031.B and denied the applicant's appeal for a variance from §70-100.2.A. Upon a motion and order of the Board of Zoning Appeals this matter is being restored to the Board of Zoning Appeals' decision calendar for the purpose of rehearing the applicant's appeal for a variance from §70-100.2.A

Whereas, an application (FILE #21-268465, BZA21-107079) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

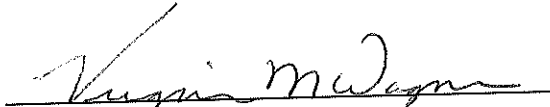
GRANTED of the dimension and in the location as shown on drawings prepared by Clarence Weigold, R.A. dated November 8, 2021 *as amended by the Board.*

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



VIRGINIA M. WAGNER
SECRETARY

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NOTICE OF DECISION

APPEAL #20080 - Sheikh Zarar; 357 Powerhouse Road, Roslyn Heights; Section 7, Block E, Lot 897; Zoned Residence-B
Variances from 70-41.A and 70-100.1(B) to legalize a shed that is too close to the side property line and to legalize an addition that has smaller than required total side yards.

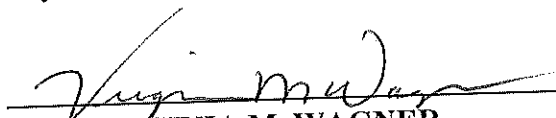
Whereas, an application (FILE #14-188289, BZA15-106579) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 26, 2022**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Kevin Vincent McCray, R.A. dated July 3, 2021 and on a survey prepared by Gerald T. O'Buckley, L.S. dated November 20, 2018.

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 Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammìna
Nays: None


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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 20080

APPEAL #20080 - Sheikh Zarar; 357 Powerhouse Road, Roslyn Heights; Section 7, Block E, Lot 897; Zoned Residence-B

Variances from 70-41.A and 70-100.1(B) to legalize a shed that is too close to the side property line and to legalize an addition that has smaller than required total side yards.

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:

1. The Board finds that the benefit to the applicant in granting the variances outweighs any detriment to the neighborhood. The Board also finds that the variances are not substantial, that granting the variances will have little adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and no alternative to the variances exists which the applicant could pursue without resulting in a significant economic hardship.
2. Although the difficulty is self-created, the Board finds this fact is not determinative.

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NOTICE OF DECISION

APPEAL #21150- Abesie Haye; 2 Baxter Avenue, New Hyde Park; Section 8, Block 169; Lot 59; Zoned: Residence-C

Variations from §§70-49.B, 70-50.B and 70-51.B to construct additions that are too large and too close to the street, to construct a portico which is too close to the street, and to legalize a terrace that is located too close to the side property line.

Whereas, an application (FILE #21-004894, BZA21-000029) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

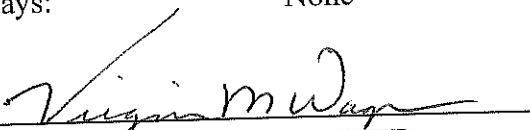
GRANTED of the dimension and in the location as shown on drawings prepared by Edwin Lee Chiong, R.A. dated May 5, 2021 and revised through January 13, 2022.

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


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NOTICE OF DECISION

APPEAL #21159 - 683 Old Country, LLC - Black Label Burgers; 683 Old Country Road, Westbury; Section 10, Block 206, Lot 25; Zoned Business-A and Residence-C
Appeal for determination, or in the alternative, variances from §§70-125 and 70-134 to install a walk-in cooler that is too close to the rear property line and is not a permitted use in the Business-A zone.

Whereas, an application (FILE #21-261774, BZA21-103989) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

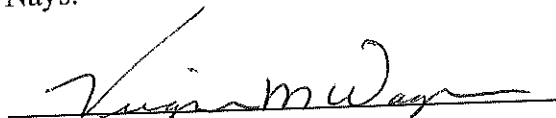
The appeal for determination and variances sought under §§70-125 and 70-134 are **DENIED as moot** and the relief requested is **GRANTED sua sponte from § 70-208.G based on a determination that the application constitutes an expansion of the prior non-conforming use of the property** of the dimension and in the location as shown on drawings prepared by Peter A. Cinqueman, R.A. dated January 27, 2021 and revised through April 14, 2021.

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 Mammìna

Nays: None


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NOTICE OF DECISION

**APPEAL #21160 – Rahul Mathew; 18 South Dr., Manhasset, Section 3, Block 90, Lot 112;
Zoned Residence-B**

Variance from § 70-40.A to construct additions to a home too close to the street.

Whereas, an application (FILE 20-002978, BZA21-000036) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

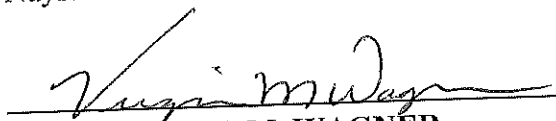
GRANTED of the dimension and in the location as shown on drawings prepared by Todd O'Connell, R.A.. dated November 13, 2020 and revised through August 12, 2021.

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



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NOTICE OF DECISION

APPEAL #21161 – Ronald Rochester; 21 Marino Ave., Port Washington, Section 5, Block J, Lot 14; Zoned Residence-C
Variance from §§ 70-100.1(B) & 70-208(F) to construct a rooftop deck on a non-conforming detached garage that is too close to the side and rear property lines.

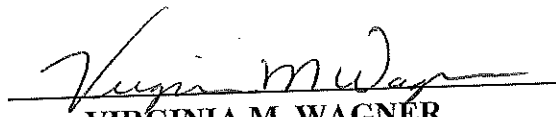
Whereas, an application (FILE #21-008877, BZA21-000043) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 26, 2022**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Christopher Gray, R.A. dated August 2, 2021 and revised through October 1, 2021.

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 Goodsell, Member Hernandez, Member Donatelli,
 Vice Chairman Francis, Chairman Mammina
Nays: None


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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21161

APPEAL #21161 – Ronald Rochester; 21 Marino Ave., Port Washington, Section 5, Block J, Lot 14; Zoned Residence-C

Variance from §§ 70-100.1(B) & 70-208(F) to construct a rooftop deck on a non-conforming detached garage that is too close to the side and rear property lines.

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:

1. The Board finds that based on the minimal nature of the variances the benefit to the applicant in granting the variances outweighs any detriment to the neighborhood. The Board finds that the 2.4-inch variances are not substantial and that granting the variances will have little adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board also finds that no alternative to the variances exists which the applicant could pursue without resulting in a significant economic hardship.
2. Although the difficulty is self-created, the Board finds this fact is not determinative.

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NOTICE OF DECISION

APPEAL #21163 – Joseph & Bonni Calabrese; 35 Browers Ln., Roslyn Heights, Section 7, Block M01, Lot 38; Zoned Residence-B
Variance from § 70-102.C(2)(a)[5] to construct pool fencing in a side yard.

Whereas, an application (FILE #20-259839, BZA-000035) 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 26, 2022**, 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 JL Drafting Inc. dated September 21, 2020 and revised through August 30, 2021 *as amended by the Board* **SUBJECT TO THE FOLLOWING CONDITION:**

The applicant shall plant arborvitae in front of the fence facing Hickory Lane as shown on drawings prepared by JL Drafting Inc. dated September 21, 2020 and revised through August 30, 2021 as amended by the Board.

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", written over a horizontal line.

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NOTICE OF DECISION

APPEAL #21164 - Gurjit Kler; 959 North 4th Street, New Hyde Park; Section 8, Block 15, Lot 18; Zoned: Residence-C

Variance from 70-50.A to construct a portico that is too close to the street.

Whereas, an application (FILE #21-010157, BZA21-000045) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

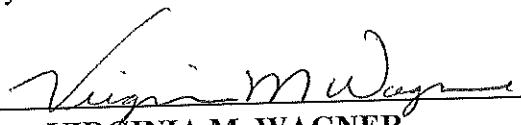
GRANTED of the dimension and in the location as shown on drawings prepared by Anandkumar J. Solanki, P.E. dated September 1, 2021 and revised through November 20, 2021.

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 #21165 – Alexander Achenkuty; 69 Paul Ave., New Hyde Park, Section 8, Block 323, Lot 12; Zoned Residence-C

Variances from §§ 70-50.A & 70-101.B to build additions that are too close to the street and a porch that is too close to the street.

Whereas, an application (FILE #21-007195, BZA21-000044) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

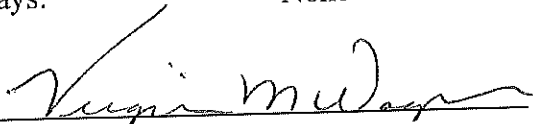
GRANTED of the dimension and in the location as shown on drawings prepared by Paul de Silva, R.A. dated June 30, 2021 and revised through October 24, 2021.

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 #21171 - Lidl US, LLC (Sign); 2475 Jericho Turnpike, Garden City Park; Section 9, Block 612, Lot 51; Zoned: Business-A

Variances from 70-196.J(1)(b) and 70-196(J)(1)(f) to install a wall sign that is too tall and too high above the ground

Whereas, an application (FILE #21-008351, BZA21-000042) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

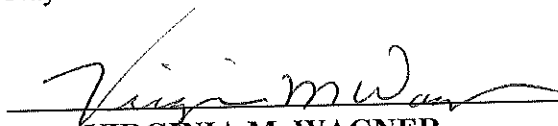
GRANTED of the dimension and in the location as shown on drawings prepared by Joseph A. Deal, L.P.E. dated October 12, 2021.

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 #21172 - Planet Fitness (sign); 165-195 Old Country Road, Carle Place; Section 10, Block N, Lot 277; Zoned: Industrial-B

Variance from §70-196.J(1)(f) to erect a sign that is too high above the ground.

Whereas, an application (FILE #21-007120, BZA21-000037) 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 26, 2022**, the appeal in the above entitled matter was decided as follows:

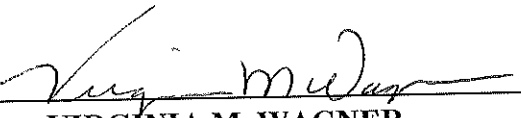
GRANTED of the dimension and in the location as shown on drawings prepared by Joseph A. Deal, P.E. dated October 12, 2021 and revised through November 8, 2021.

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

Motioned by: Vice Chairman Francis Seconded by: Member Donatelli

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

Nays: None


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