

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

AMENDED NOTICE OF DECISION

APPEAL #20694.A – Geismar, LLC; 7 Harbor Park Dr., Port Washington, Section 6, Block 86, Lots 2a, 2b, 3; Zoned Planned Industrial District

Variances from §§ 70-103(A), 70-159, 70-160.A & 70-160.C to construct additions to a building too close to a rear property line and front property line, with not enough parking and covering too much of the lot.

Whereas, an application (FILE #21-222501, BZA21-106823) 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 **February 9, 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 David N. Bilow, R.A. dated May 1, 2018 and revised through January 11, 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: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez

VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 20694.A

APPEAL #20694.A – Geismar, LLC; 7 Harbor Park Dr., Port Washington, Section 6, Block 86, Lots 2a, 2b, 3; Zoned Planned Industrial District

Variances from §§ 70-103(A), 70-159, 70-160.A & 70-160.C to construct additions to a building too close to a rear property line and front property line, with not enough parking and covering too much of the lot.

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 there will be no undesirable change produced in the character of the neighborhood as a result of granting the requested variances. In making this determination the Board finds that the applicant's need to construct the addition in order to accommodate its expanding business weighs heavily in favor of granting the variances. The Board also notes that the applicant has demonstrated that the additional space required for the proposed addition, when compared to the addition which received variances under prior appeal #20694, is needed due to a N.Y.S. Building/Fire Code requirement regarding the apportionment of space within the building

In making this determination the Board has also taken into consideration the results of the traffic/parking study prepared by R & M Engineering dated August 30, 2021 which concluded that there would be no impact to the neighbors or neighborhood as a result of increased traffic and that the site could adequately accommodate the parking demand of the proposed addition.

2. The Board does not find that there is any alternative to the proposed action which would not require a variance.

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3. Although several of the variances could be considered substantial (for insufficient parking under 70-103.A [a deficiency of 41 parking spaces] for insufficient front yard setback [40.3' where 75' is required] and for insufficient rear yard setback [31' where 75' is required]), for the reasons stated above the Board does not find this factor to weigh in favor of denial. The Board also notes that because this property is considered a corner property, the rear yard is located on the northern side of the property adjacent to the property to the north. If this property was an interior lot this yard would be considered a side yard and would have a 50' side yard requirement as opposed to a 75' rear yard requirement. Although a variance would still be required, it would be less than the variance required for the insufficient rear yard setback.
4. The Board does not find that the requested variances will have an adverse effect on the physical and environmental conditions in the neighborhood.
5. The alleged difficulty is self-created, however, this fact is not determinative.

In weighing the aforementioned factors, the Board finds that the benefit to the applicant in granting the variances outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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Board of Zoning Appeals

210 Plandome Road
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NOTICE OF DECISION

APPEAL #21142 - Temple Israel of Great Neck; 108 Old Mill Road, Great Neck; Section 2, Block 354, Lot 26; Zoned: Residence-A

Variance from §70-100.2(A)(4) to install fencing that is too tall.

Whereas, an application (FILE #21-268507, BZA21-106566) 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 **February 9, 2022**, 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 Jerry P. LaRue , P.E. dated January 27, 2019 and revised through October 20, 2021 *as annotated by the applicant.*

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

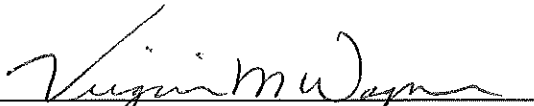
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Absent: Member Hernandez



VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21142

APPEAL #21142 - Temple Israel of Great Neck; 108 Old Mill Road, Great Neck; Section 2, Block 354, Lot 26; Zoned: Residence-A

Variance from §70-100.2(A)(4) to install fencing that is too tall.

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. In making this determination the Board has taken into consideration the provisions of the Religious Land Use Protection Act which affords municipalities greater latitude in making land use decisions involving religious institutions. The Board has considered the benefit to the applicant of strengthening security measures in the wake of targeted attacks at synagogues across the country, as well as any potential detriment to the health, safety and welfare of the community. In weighing these considerations the Board finds that the requested variance will not produce an undesirable change to the character of the neighborhood or cause a detriment to nearby properties; and that the variance will not have an impact on the physical or environmental conditions of the neighborhood or district. Although the variance could be considered substantial and self-created the Board finds that the requested variance is necessary in order to provide safety to the members of the Temple.

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NOTICE OF DECISION

APPEAL #21144 - Claudia Flechas; 12 Flower Hill Place, Port Washington; Section 5, Block 87, Lot 5; Zoned: Residence-C.

Variances from §§70-100.2(A)(2), 70-100.2(A)(4), 70-100.2(M) to install fencing within a front yard (not permitted) that is too tall and to install an arbor within a front yard (not permitted).

Whereas, an application (FILE #21-262535, BZA21-106781) 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 **February 9, 2022**, the appeal in the above entitled matter was decided as follows:

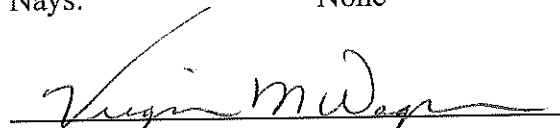
GRANTED of the dimension and in the location as shown on drawings prepared by Brian M. Fiore, R.A. dated February 24, 2021 and revised through January 21, 2022 *as amended*.

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

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NOTICE OF DECISION

APPEAL #21146 - Andrew Simons; 38 Beachway, Port Washington; Section 5, Block C, Lot 414; Zoned: Residence-A

Variances from §§70-30.C, 70-30.B and 70-32.6 to construct additions located too close to the street, to install 2 A/C units located too close to the street, and to install front yard paving that covers more than 40% of the front yard.

Whereas, an application (FILE #21-255929, BZA21-106795) 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 **February 9, 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 Amy Urban, R.A. dated May 21, 2020 and revised through September 7, 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 Goodsell

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

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21146

APPEAL #21146 - Andrew Simons; 38 Beachway, Port Washington; Section 5, Block C, Lot 414; Zoned: Residence-A

Variances from §§70-30.C, 70-30.B and 70-32.6 to construct additions located too close to the street, to install 2 A/C units located too close to the street, and to install front yard paving that covers more than 40% of the 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, 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 there will be no undesirable change produced in the character of the neighborhood as a result of granting the requested variances. In making this determination the Board considers the uniqueness of this property given the fact that it has three (3) front yards. In order to re-position the garage so that access can be taken from the side of the home it is necessary to extend the driveway from Beachway around to the garage entrance. This adds to the paved area of what is considered a front yard due to its location fronting on Plandome Road. However, the Board does not find that the paving in this area will have an impact since this portion of the property (which acts as a side yard for this lot) borders Plandome Road which is screened from the property by vegetation and fencing. The A/C units are located to the "rear" of the dwelling which according to code is considered a front yard. This area is screened from Yacht Club Drive by a fence and therefore, the location of the A/C units in this area is not anticipated to have an impact on the neighbors or neighborhood.

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In weighing the aforementioned factors, the Board finds that the benefit to the applicant in granting the variances outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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NOTICE OF DECISION

APPEAL #21151 – Alexandria Guyett; 36 Oak Dr., New Hyde Park, Section 8, Block 211-02, Lot 28; Zoned Residence-C

Variances from §§ 70-49.B & 70-51.A to construct additions that are too large and too close to a side property line.

Whereas, an application (FILE #20-250923, BZA21-000018) 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 **February 9, 2022**, the appeal in the above entitled matter was decided as follows:

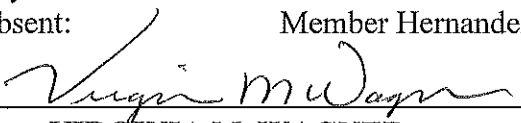
DENIED with respect to the variance requested under § 70-49.B and **GRANTED** with respect to the variance requested under § 70-51.A of the dimension and in the location as shown on drawings prepared by Edna Guilor, R.A. dated December 15, 2020 and revised through December 28, 2021 *as amended*.

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 Donatelli

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



VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21151

APPEAL #21151 – Alexandria Guyett; 36 Oak Dr., New Hyde Park, Section 8, Block 211-02, Lot 28; Zoned Residence-C

Variances from §§ 70-49.B & 70-51.A to construct additions that are too large and too close to a side property line.

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. With respect to the variance requested under 70-49.B 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 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. With respect to the variance requested under 70-51.A the Board finds that the variance if granted would not produce an undesirable change in the character of the neighborhood.
2. As stated above, the Board finds that the benefit sought by the applicant (additional space and balancing the aesthetics of the home) could be achieved without the necessity of the variance being sought under 70-49.B. However, the Board finds that the benefit to the applicant (to construct a garage to adequately shelter the applicant's vehicles and which conforms to standard garage dimensions) could not be achieved without the necessity of the variance sought under 70-51.A.
3. The applicant had originally requested a GFA variance of 234.03 square feet. At the hearing the Board found this variance to be substantial in light of its impact on

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surrounding homes and the fact that the benefit being sought could be largely achieved by the applicant without the need for a variance. The Board afforded the applicant the opportunity to revise the plans to mitigate the GFA variance to only the minimum additional square footage necessary. Although the applicant reduced the GFA by approximately 100 square feet, the Board finds that the requested variance is not the minimum variance necessary to achieve the benefit the applicant is seeking when weighed against the detriment to the community, especially given the Board's determination that the benefit the applicant is seeking could be achieved without the need for a variance. Therefore, the Board finds the variance sought under 70-49.B to be substantial. The Board does not find the side yard setback variance sought under 70-51.A to be substantial where the required setback is 5 feet and the applicant is requesting 4.4 feet.

4. The Board finds that the requested variances will not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The difficulty is self-created in that the applicants seek to renovate and expand their home which will require variances. Although this fact is not determinative, the Board finds it weighs in favor of denial.

In weighing the aforementioned factors, the Board finds that with respect to the variance being sought under 70-49.B, the detriment to the health, safety and welfare of the neighborhood or community outweighs the benefit the applicant would receive if the variance were granted, and therefore the variance is denied. With respect to the variance being sought under 70-51.A the Board finds that the benefit to the applicant in granting the variance outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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Town of North Hempstead



Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21162 – Michael Bisberg; 37 Second Ave., Port Washington, Section 5, Block 44, Lot 32; Zoned Residence-C

Variations from §§ 70-52 & 70-208(F) to build an addition too close to the rear property line and increasing the non-conformity of the home.

Whereas, an application (FILE #21-011994, BZA21-000039) 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 **February 9, 2022**, 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

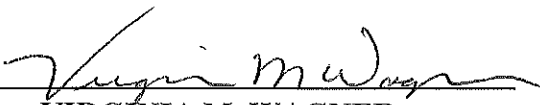
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez



VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21162

APPEAL #21162 – Michael Bisberg; 37 Second Ave., Port Washington, Section 5, Block 44, Lot 32; Zoned Residence-C

Variations from §§ 70-52 & 70-208(F) to build an addition too close to the rear property line and increasing the non-conformity of the home.

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 if the variances were granted there would be a detriment to nearby properties, especially the property to the rear of the proposed addition. The Board agrees with assertions made by the neighbors to the rear of the subject property (correspondence to the Board from Ted and Cheryl Gabig residing at 30 Prospect Ave, Port Washington dated January 2, 2022) that the proposed addition would have a negative impact on their property. The proposed addition, which will be an expansion of an already non-conforming structure, will be located only 5.5' from the rear property line thus exacerbating the non-conformity of the structure with respect to the required 15' rear yard setback.
2. The Board finds that the applicant has not adequately explored alternatives to the proposed project which would not require variances.
3. The Board finds that the requested variances are substantial. The applicant is proposing additions to the home with a 5.5' setback where 15' is required. This represents a 63% variance variance which the Board finds is substantial.

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4. The requested variances will have an adverse effect on the physical and environmental condition in the neighborhood by constructing additions which will further encroach into a rear yard with an insufficient rear yard setback. This will limit the availability of light and air to the rear of the home and between the neighboring properties to the rear.

5. The alleged difficulty is self-created since the applicants are seeking to construct an addition which does not conform to the requirements of the Town Code. Although this fact is not determinative, the Board finds it weighs in favor of denial.

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 variances were granted.

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NOTICE OF DECISION

APPEAL #21167 - Marc Zimbardi; 16 Annette Drive, Port Washington; Section 5, Block 146, Lot 14; Zoned: Residence-B

Variances §§70-39.C, 70-40.C and 70-41.A to construct a new dwelling on an existing foundation that is larger than permitted, with smaller than required aggregate side yards, too close to the street and a portico that is too close to the street.

Whereas, an application (FILE #21-010135, BZA21-000038) 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 **February 9, 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 Mark Anthony Munisteri, R.A. dated May 14, 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:

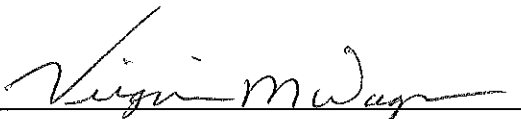
Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

Ayes: Member Donatelli, Vice Chairman Francis, Chairman Mammina

Nays: None

Absent: Member Hernandez

Abstain: Member Goodsell



VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21167

APPEAL #21167 - Marc Zimbardi; 16 Annette Drive, Port Washington; Section 5, Block 146, Lot 14; Zoned: Residence-B

Variances §§70-39.C, 70-40.C and 70-41.A to construct a new dwelling on an existing foundation that is larger than permitted, with smaller than required aggregate side yards, too close to the street and a portico that is too close to the street.

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 there will be no undesirable change produced in the character of the neighborhood as a result of granting the requested variances. The Board finds that the proposed new home is in conformity with other homes in the immediate neighborhood which have been expanded over the years.
2. Although the applicant could achieve the benefit sought (constructing an expanded home on an existing foundation) without the necessity of variances by reconstructing the foundation in a conforming location, the Board finds that the resulting cost to the applicant to reconstruct the foundation would result in an economic hardship to the applicant.
3. The Board does not find that the requested variances are substantial (13 s.f in excess of what is permitted under 70-39.C, a 0.91' front yard setback variance to the addition and a 0.91' front yard setback variance to the portico under 70-40.C and a 1.6' aggregate side yard setback variance to the new dwelling).

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4. The Board does not find that the requested variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty is self-created however, this fact is not determinative.

In weighing the aforementioned factors, the Board finds that the benefit to the applicant in granting the variances outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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NOTICE OF DECISION

APPEAL #21169 – Adam Piatek/BBMG Realty, LLC; 355 Denton Ave., New Hyde Park, Section 8, Block 211-14, Lot 669; Zoned Industrial-B

Variances from §§ 70-103(A) and 70-103(F) to legalize and construct interior alterations with not enough parking and a loading area with not enough height.

Whereas, an application (FILE #13-165518, BZA21-000046) 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 **February 9, 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 Anthony S. DiProperzio, R.A. dated March 11, 2021 and revised through October 26, 2021 and on a survey prepared by Joseph Nicoletti, L.S. dated January 18, 2013.

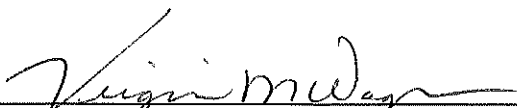
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

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

Nays: None

Absent: Member Hernandez



VIRGINIA M. WAGNER
SECRETARY

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
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NOTICE OF DECISION

APPEAL #21170 – HSRE Storage America 1, LLC; 211 Denton Ave., Garden City Park, Section 8, Block 211-14, Lot 682; Zoned Industrial-B

Variances from §§ 70-103(A) and 70-103(B) to legalize paving and striping of a parking lot with not enough parking spaces and parking spaces which are smaller than required.

Whereas, an application (FILE #18-229699, BZA21-102689) 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 **February 9, 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 Mark Vincent Kruse dated June 27, 2018 and revised through September 19, 2020.

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

A handwritten signature in cursive script, appearing to read "Virginia M. Wagner".

VIRGINIA M. WAGNER
SECRETARY

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Members
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Jay Hernandez
Patricia A. Goodsell, Esq.

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Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21173 – 44 George Street, LLC; 44 George St., Manhasset, Section 3, Block 83, Lot 7; Zoned Residence-B

Variations from §§ 70-39(C), 70-100.1(A), 70-100.1(B), & 70-208(F) to construct additions to a non-conforming building (detached garage/apartment) that will be too big, too tall and too close to a side property line.

Whereas, an application (FILE #21-005614, BZA21-000049) 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 **February 9, 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 Timothy John Costello, R.A. dated April 11, 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: Vice Chairman Francis

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

Nays: None

Recused: Member Hernandez

VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21173

APPEAL #21173 – 44 George Street, LLC; 44 George St., Manhasset, Section 3, Block 83, Lot 7; Zoned Residence-B

Variances from §§ 70-39(C), 70-100.1(A), 70-100.1(B), & 70-208(F) to construct additions to a non-conforming building (detached garage/apartment) that will be too big, too tall and too close to a side property line.

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 there will be no undesirable change produced in the character of the neighborhood as a result of granting the requested variances. In making this determination the Board considers the uniqueness of this property given its size (29,010.38 s.f. where the minimum lot size requirement is 6,000 s.f.), the location of the proposed additions with respect to neighboring properties and structures and the fact that the structure with the additions is setback over 100' from the street.
2. The Board does not find that the benefit to the applicant could be achieved by any other method than the requested variance.
3. Although the variance could be considered substantial, the Board finds that this fact does not weigh in favor of denial.

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4. Given the large size of the property, the location of the proposed additions with respect to neighboring properties and structures, and the location of the proposed additions with respect to the street, the Board does not find that granting the requested variances will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

5. Although the difficulty is self-created this fact is not determinative.

In weighing the aforementioned factors, the Board finds that the benefit to the applicant in granting the variances outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21179 - Salvatore Abruzzo; 231 Old Mill Road, Manhasset; Section 3, Block 220, Lot 17; Zoned-Residence-A

Variance from 70-30.C to construct additions located too close to the street.

Whereas, an application (FILE #21-005019, BZA21-000055) 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 **February 9, 2022**, the appeal in the above entitled matter was decided as follows:

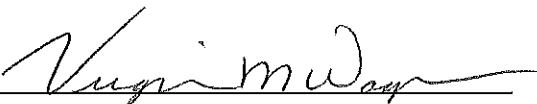
GRANTED of the dimension and in the location as shown on drawings prepared by Vincent John Lucarelli, R.A. dated November 27, 2020 and revised through September 30, 2021.

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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David L. Mammina, A.I.A.

Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
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Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21180 Jason Miller; 38 Reid Avenue, Port Washington; Section 5, Block 61, Lot 274; Zoned Residence-A (Port Washington Historic Overlay District)

Variances from 70-29.C, 70-30.C and 70-101.B to construct additions that are too big and an open porch/portico that is too close to the street.

Whereas, an application (FILE #21-011766, BZA21-000054) 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 **February 9, 2022**, the appeal in the above entitled matter was decided as follows:

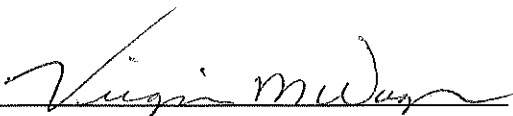
GRANTED of the dimension and in the location as shown on drawings prepared by Harry Nicolaides, R.A. dated August 19, 2021 and revised through January 5, 2022.

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 Mammina

Nays: None



VIRGINIA M. WAGNER
SECRETARY

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