

*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

### NOTICE OF DECISION

**APPEAL #20944 – Kevin Earls; 104 Hamilton Drive, Roslyn; Section 9, Block 653, Lot 28; Zoned Residence-A**

Variance from §70-29.C to construct a sunroom that is larger than permitted.

**Whereas**, an application (FILE #20-246942, BZA20-105637) 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 23, 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 Alexis Spyrou, P.E. dated September 3, 2019 and revised through February 18, 2020.

**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 cursive script, appearing to read "Virginia M. Wagner", written over a horizontal line.

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

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

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### Rider to Appeal # 20944(Findings of Fact)

#### **APPEAL #20944 – Kevin Earls; 104 Hamilton Drive, Roslyn; Section 9, Block 653, Lot 28; Zoned Residence-A**

Variance from §70-29.C to construct a sunroom that is larger than permitted.

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 due to the large size (17,646 s.f.) of the property with respect to the minimum lot area requirement of the R-A zoning district (8,500 s.f.), and due to the placement of the sunroom to the rear of the dwelling on such a large property and in conformance with all other setback requirements of the R-A zoning district, no significant adverse effects to adjacent properties or the surrounding neighborhood are anticipated as a result of granting the requested variance.

In weighing the aforementioned factors, 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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### NOTICE OF DECISION

**APPEAL #21033 - David Avakian, M.D.; 609 Plandome Rd., Manhasset; Section 3, Block 28, Lot 298, Zoned Business-A/Residential-AA**

Variances from §§ 70-103(B) & 70-103(O) to restripe an existing parking lot and create parking spaces that are too small.

**Whereas**, an application (FILE #20-249666, BZA21-101668) 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 23, 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 August 12, 2019 and revised through January 13, 2022 **SUBJECT TO THE FOLLOWING CONDITIONS:**

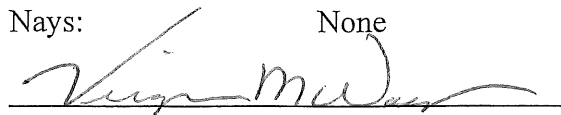
*In conformance with condition #5 of Appeal #12151, the use of the parking lot to the rear of the building shall be restricted to employee parking, truck delivery and the dropping off of handicapped patients only.<sup>1</sup>*

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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<sup>1</sup> The Board acknowledges that this decision amends the site plan approved as part of the decision for Appeal #12151, which decision referred to cross-easements related to the use of the subject parking lot.

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### NOTICE OF DECISION

**APPEAL #21106- William Monaghan and Courtney Sempliner; 33 Longview Road, Port Washington; Section 5, Block 134, Lot 18; Zoned: Residential-A**

Variance from §70-100.2(K) to relocate an existing generator to a location in the rear yard that is too far from the dwelling.

**Whereas**, an application (FILE #21-257526, BZA21-106030) 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 23, 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 Albert Paul Ronci, R.A. dated August 6, 2021.

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

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### NOTICE OF DECISION

**APPEAL #21138 – George Babayev; 41 Stirrup Ln., Roslyn Heights, Section 7, Block 219, Lot 5; Zoned Residence-AA**

Variances from §§ 70-102.C(1), 70-102.C(2)(a)[5], & 70-100.1.A to construct a pool forward of a rear building line and encroaching into a side yard, a pool enclosure forward of a rear building line and encroaching into a side yard, and pool equipment in a side yard.

**Whereas**, an application (FILE #21-260681, BZA21-000012) 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 23, 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 Jerry Cicciani, R.A. dated October 20, 2020 and revised through February 3, 2022.

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 #21190 - Janet Makhani; 2 Parkwood Drive, Great Neck; Section 2, Block 365, Lot 6; Zoned: Residence-A**

Variances from §§70-30.C and 70-30.B to construct additions and a cover over an existing open terrace that are too close to the street.

**Whereas**, an application (FILE #21-013355, BZA-22-000010) 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 23, 2022**, the appeal in the above-entitled matter was decided as follows:

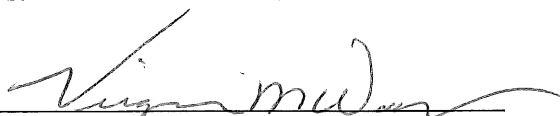
**GRANTED** of the dimension and in the location as shown on drawings prepared by Hooshang Nejathaim, R.A. dated May 11, 2021 and revised through November 16, 2021.

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 #21192 - Michael Rashti; 7 Secor Drive South, Port Washington; Section 5, Block 78, Lot 24; Zoned: Residence-A**

Variances from §§70-28 and 70-102.C(5)(b) to construct an enclosed porch that covers to much of the property, and spa equipment that is too close to the side and rear property lines.

**Whereas**, an application (FILE #21-005370, BZA21-000012) 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 23, 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 May 21, 2021 and revised through December 23, 2021.

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

  
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### NOTICE OF DECISION

**APPEAL #21193 – Robert Wong; 69 Roger Dr., Port Washington, Section 5, Block 161, Lot 50; Zoned Residence-C**

Variances from §§ 70-51.A &, 70-52 to legalize a rear deck that is too close to a side property line and too close to a rear property line.

**Whereas**, an application (FILE #20-259889, BZA21-000016) 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 23, 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 Douglas Ralph Schneider, R.A. dated July 17, 2020 and revised through February 1, 2022.

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

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### NOTICE OF DECISION

**APPEAL #21194- Pietro Calleo; 37 Amherst Road, Albertson; Section 9, Block 122, Lot 1;  
Zoned: Residence-B**

Variations from §§70-41.B and 70-101.B to construct an addition that is too close to the side property line and a portico that is too close to the street.

**Whereas**, an application (FILE #21-008291, BZA22-000013) 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 23, 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 Marcelo D. Kohan, R.A. dated July 15, 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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### NOTICE OF DECISION

**APPEAL #21197 – Northwell Health (signs); 300 Community Dr., Manhasset; Section 3, Block E, Lots 1108-49610, Zoned Hospital District**

Variance from § 70-196.D to construct ground signs and wall signs that exceed the permitted number of signs and that are too large.

**Whereas**, an application (FILE #21-009686, BZA22-000015) 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 **March 23, 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 Richard Joshua Kahn, R.A. dated February 2, 2022.

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

Motioned by: Member Hernandez                      Seconded by: Vice Chairman Francis

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

Nays: None

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