

Town of North Hempstead



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

Vice Chairman
Leslie Francis, Esq.

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

Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21166 - Jorge Pincay; 10 Third Avenue, Garden City Park; Section 33, Block 121, Lot 6; Zoned-Residence-C

Variances from §§70-47.1.B and 70-47.B to legalize a conversion of a dwelling from a single-family to a two-family on a plot of land that it too small and too narrow.

Whereas, an application (FILE #18-222366, BZA21-104521) 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 27, 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 D. Geiselman, R.A. dated April 12, 2018 and revised through December 10, 2020 and on a survey prepared by Frank Ferrantello, L.S. dated February 26, 2007.

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: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez

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

Findings of Fact for Appeal # 21166

APPEAL #21166 - Jorge Pincay; 10 Third Avenue, Garden City Park; Section 33, Block 121, Lot 6; Zoned-Residence-C

Variations from §§70-47.1.B and 70-47.B to legalize a conversion of a dwelling from a single-family to a two-family on a plot of land that is too small and too narrow.

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, a review of a number of documents submitted on the record in support of this application, including but not limited to; affidavits from neighboring property owners stating that the two-family residence has existed on the property for at least 69 years, a certificate of occupancy report indicating that the two-family dwelling was 15 years old in 1938 (i.e. built sometime in 1923) and a Certificate of Approval dated July 1, 2018 for two boilers, two hot water heaters and two stoves; 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 does not find that an undesirable change to the character of the neighborhood or a detriment to neighboring properties will occur as a result of granting the requested variances. Documents submitted to the Board in support of the application that are included in the record for this appeal indicate that the home has existed as a two-family residence for at least 69 years and possibly longer and therefore, there will be no change to the character of the neighborhood.
2. The benefit to the applicant, which is to legalize the two-family residence which they claim was purchased as a two-family residence, cannot be achieved without the requested variances.
3. Affidavits submitted by the neighbors indicate that the home has existed as a two-family residence for at least 69 years. Therefore, if the home were converted to a two-family residence in 1953 the zoning code in existence at that time would have applied. In 1953 a two-family home required a minimum lot area of 8,000 s.f. and a lot width of 75'. Therefore, the two-family home, with a lot area of 7,500 s.f. and a lot width of 75',

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would have been compliant with the lot width requirement but would have required a variance for being 500 s.f. less than the 8,000 s.f minimum lot area requirement of the Code at that time. Although the subject property is substandard with respect to both the lot width and lot area requirements of the current code, the variances required under the 1953 code would not have been substantial and in fact no variance would have been required for lot width. Given these facts, the Board does not find the variances to be substantial.

4. For the reasons stated in #1 above the Board does not find that granting the variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is partially self-created since the applicant proceeded to purchase the home without a valid Certificate of Occupancy or a valid Certificate of Existing Use, but instead relied on other records provided pursuant to the Title Search which indicated that the property was a legal two-family dwelling.

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NOTICE OF DECISION

APPEAL #21181 – The Roman Catholic Church of Notre Dame; 45 Mayfair Rd., New Hyde Park, Section 8, Block 295, Lot 3; Zoned Residence-B

Variances from §§ 70-103(B), 70-37, 70-42, & 70-41(C) to subdivide a property into two lots with one of the lots being too small, to legalize a home on the smaller lot which will be too close to the rear property line and which will have parking spaces which are too small and to legalize the buildings on the larger lot with not having a large enough side yard.

Whereas, an application (FILE #21-005571, BZA21-000052) 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 27, 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 Raffaele Castelli, R.A. dated March 11, 2021 and revised through March 10, 2022 *as amended*, on plans prepared by Michael J. Rant dated October 27, 2020 and revised through March 10, 2022 *as amended* and on plans (Partitioning Map) prepared by Thomas J. Bremen, L.S. dated December 3, 2019 and revised through March 10, 2022.

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

Abstain: Member Goodsell

Absent: Member Hernandez

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

VIRGINIA M. WAGNER
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NOTICE OF DECISION

APPEAL #21184 – Benjamin Borgognone; 204 Mill Spring Rd., Manhasset, Section 3, Block 222, Lot 1; Zoned Residence-A

Variances from §§ 70-29(B), 70-30.B to construct additions that are too big and to convert a portico that is too close to the street.

Whereas, an application (FILE #21-000284, BZA22-000004) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **April 27, 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 Neal R. Hoffman, R.A. dated December 3, 2021 and revised through January 7, 2022.

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

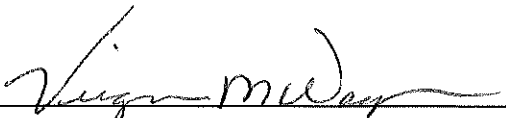
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez



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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21184

APPEAL #21184 – Benjamin Borgognone; 204 Mill Spring Rd., Manhasset, Section 3, Block 222, Lot 1; Zoned Residence-A

Variances from §§ 70-29(B), 70-30.B to construct additions that are too big and to convert 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 requested variances are de minimus and the square footage being added is entirely within the footprint of the existing building and portico area. The extension of the porch roof will not encroach any further into the front yard than the existing portico roof. There will be no material change in the appearance of the home as viewed from the street as a result of the proposed construction. Therefore, the Board does not find the requested variances to be substantial or that an undesirable change to the character of the neighborhood or a detriment to neighboring properties will occur as a result of granting the requested variances.

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NOTICE OF DECISION

APPEAL #21191 – Chaojun Fan; 5 Knickerbocker Rd., Manhasset, Section 3, Block 50, Lot 125; Zoned Residence-A

Variances from §§ 70-30.B & 70-31.B to build an addition to a house that is too close to the street and too close to the side property line.

Whereas, an application (FILE #21-011866, BZA22-000020) 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 27, 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 October 8, 2021 and revised through March 24, 2022 *as amended*.

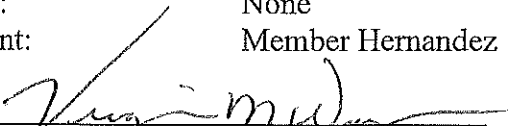
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez



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NOTICE OF DECISION

APPEAL #21198 - Mitchell Gold & Bob Williams Home Furnishings (sign); 1900 Northern Boulevard, Manhasset; Section 3, Block 220, Lot 1; Zoned: Business-A

Variations from §§70-196.J(1)(a) and 70-196.J(1)(f) to install a second wall sign on the same wall as an existing sign and that is too high above the ground.

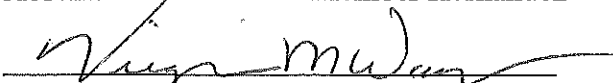
Whereas, an application (FILE #21-014841, BZA21-000018) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **April 27, 2022**, the appeal in the above-entitled matter was decided as follows:

DENIED as moot with respect to the variance sought under §70-196.J(1)(a) and **GRANTED** with respect to the variance sought under § 70-196.J(1)(f) of the dimension and in the location as shown on a survey prepared by Sign Touch dated June 29, 2021
SUBJECT TO THE FOLLOWING CONDITIONS:

1. The existing "Mitchell Gold & Bob Williams Home Furnishings" sign shall be removed from the north side of the building as proposed by the applicant's representative at the hearing, so that applicant shall not have more than one sign on the north side of the building.
2. The signs shown on the awnings located on the north side of the building shall be removed.

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 #21207 – Fifth Avenue of Long Island Realty; 2072 Northern Blvd., Manhasset, Section 3, Block 183, Lot 12; Zoned Business-A

Variances from §§ 70-196.J(1)(a) and 70-196.J(1)(f) to construct wall signs that are too high and exceed the amount of signs permitted on a single wall.

Whereas, an application (FILE #21-012923, BZA22-000028) 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 27, 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 Assured Signs, LLC dated May 19, 2021 *as amended*.

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

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NOTICE OF DECISION

APPEAL #21211 - Sarah Castro; 16 Beacon Drive, Port Washington; Section 5, Block 144, Lot 11; Zoned Residence-A

Variances from §§70-100.2(G), 70-100.1(A) and 70-102.C(1) to locate a shed, swimming pool, pool equipment, pavilion, firepit and outdoor barbecue in a secondary front yard.

Whereas, an application (FILE #21-013017, BZA22-000033) 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 27, 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 Michael J. Rant, LPE dated March 11, 2021 and revised through October 15, 2021 and October 28, 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

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

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NOTICE OF DECISION

APPEAL #21213 – Michael Angel; 4 Ridge Dr., Port Washington, Section 6, Block 33, Lot 150; Zoned Residence-A

Variances from §§ 70-30.A, 70-31.A to construct a two-story addition that is too close to the street and a second story addition with not enough total side yard area.

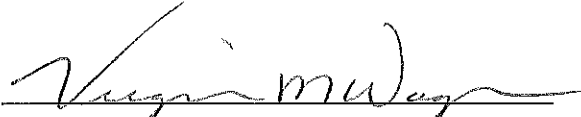
Whereas, an application (FILE #22-001010, BZA22-000035) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **April 27, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Alan Jeffrey Cooper, R.A. dated September 1, 2021 and revised through January 25, 2022
SUBJECT TO THE FOLLOWING CONDITION:

- *A silt fence shall be installed around the construction site during construction in order to prevent erosion of soils onto adjacent properties.*

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 #21218 – Mian Wang (Dr. Anthony Moustakas); 496 Plandome Rd., Manhasset, Section 3, Block 69, Lot 4; Zoned Business-A

Variance from § 70-103(A) to construct alterations to convert a retail space into a chiropractic office with not enough parking.

Whereas, an application (FILE #21-015111, BZA22-000029) 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 **April 27, 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 Edward Paul Butt, R.A. dated November 17, 2021 and revised through March 1, 2022.

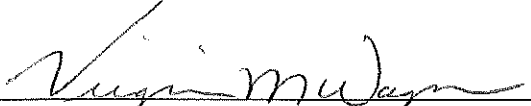
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez



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