

Town of North Hempstead

Chairman
David L. Mammìna, A.I.A.

Members
Leslie Francis, Esq.
David I. Levine, Esq.
Daniel Donatelli, Esq.
Jay Hernandez



Board of Zoning Appeals

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

TO: TOWN CLERK
FROM: Virginia Wagner, Secretary
CC: Building Dept.
DATE: June 1, 2022
RE: BZA Decisions for MAY 25, 2022

Appeal No.	Name	Sec.	Blk.	Lots
21202	Halyna Sarlanis	3	J	421
21214	Stephen Rhine	7	41	27
21220	Karen Mualem	2	160	11
21227	Suzanne Kolen	5	72	200
21231	2035 Lakeville Road, LLC (Sign)	8	217	8

DEPT. OF PLANNING & ZONING
TOWN CLERK
JUN 1 2022

Town of North Hempstead



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NOTICE OF DECISION

APPEAL #21202 - Halyna Sarlanis; 29 Ridge Drive, Manhasset; Section 3, Block J, Lot 421; Zoned: Residence-B

Variations from §§70-100.1(B) & 70-100.1(D) to legalize a detached garage that is too close to the side property line and too close to the adjoining neighbor's home.

Whereas, an application (FILE #21-002752, BZA22-000022) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **May 25, 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 Leo Joseph Pyzynski, Jr. dated December 2020 and revised through December 2021
SUBJECT TO THE FOLLOWING CONDITION:

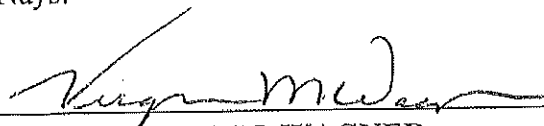
The walls of the garage shall be fire rated as per the drawings prepared by Leo Joseph Pyzynski, Jr. dated December 2020 and revised through December 2021.

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


VIRGINIA M. WAGNER
SECRETARY

CLERK
2022 MAY 25 10:32 AM

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NOTICE OF DECISION

APPEAL #21214 - Stephen Rhine; 207 Forest Street, Roslyn Heights; Section 7, Block 41, Lot 27; Zoned Residence-B

Variances from §§70-102.5(a) and 70-100.2(i) to construct a new in-ground pool located too close the rear and side property lines and pool equipment located in a side yard.

Whereas, an application (FILE #21-004769, BZA22-000036) 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 **May 25, 2022**, the appeal in the above entitled matter was decided as follows:

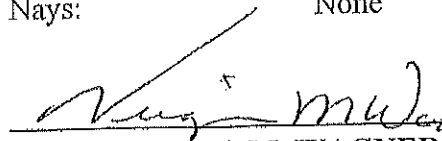
The variance sought under § 70-102.5(a) to construct a new in-ground pool too close to the rear and side property lines is **DENIED** and the variance sought under § 70-100.2(i) to locate pool equipment in a side yard is **GRANTED** of the dimension and in the location as shown on drawings prepared by Todd O'Connell dated July 28, 2021 and revised through February 23, 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 Mammìna

Nays: None


VIRGINIA M. WAGNER
SECRETARY

REC'D BY THE TOWN CLERK
JUN 1 12 2022

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NOTICE OF DECISION

APPEAL #21220 – Karen Mualem; 27 Devon Rd., Great Neck, Section 2, Block 160, Lot 11; Zoned Residence-A
Variance from § 70-29(B) to construct a second-story addition that would make the house too big.

Whereas, an application (FILE #21-006788, BZA22-000042) 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 **May 25, 2022**, the appeal in the above-entitled matter was decided as follows:

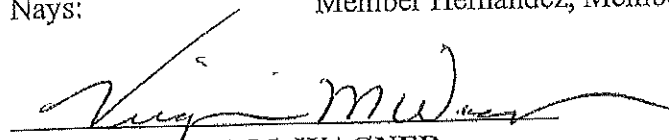
GRANTED of the dimension and in the location as shown on drawings prepared by Edna Guilor-Segal dated July 5, 2021 and revised through December 8, 2021.

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 Mammìna
Nays: Member Hernandez, Member Goodsell


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MAY 27 2022

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21220

APPEAL #21220 – Karen Mualem; 27 Devon Rd., Great Neck, Section 2, Block 160, Lot 11; Zoned Residence-A

Variance from § 70-29(B) to construct a second-story addition that would make the house too big.

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 considered the fact that the subject area where the home is located was upzoned from the Residence-B zoning district to the Residence-A zoning district. Under the provisions of § 70-29.D of the Town Code, homes which were affected by the aforementioned upzoning were granted relief from the gross floor area restrictions of the Residence-A zone to allow up to 2,700 s.f. if the “building” complied with all other applicable zoning restrictions in the Town Code. Here, but for the fact that the existing home does not meet the minimum front yard setback requirement of the R-A zoning district, the proposed additions (total GFA of 2509.s. s.f. is proposed) would be entitled to relief as a matter of right under § 70-29.D of the Code and a variance for gross floor area would not be required.

In addition, the applicant originally intended to remove 66 square feet of the existing garage in order to comply with the gross floor area requirements of the code. However, the original cost estimate provided to modify the garage has since doubled due to increases in the price of concrete and lumber.¹ The Board finds that the financial burden that would be incurred by the applicant to modify the garage outweighs any potential detriment to the health, safety and welfare of the

¹ Applicant's Exhibit #1, letter from Firooz Fred Dilmanian of Eastview Development Corp. dated May 4, 2022

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neighborhood. This determination is also made in consideration of the fact that the Board finds that the continued existence of the 66 s.f. of garage would not result in a measurable detriment to the character of the neighborhood due to the fact that the garage has existed in its current size and location since the 1930's and is situated towards the back of the property.

2. The benefit to the applicant (not being required to reduce the size of the garage which is estimated to cost \$15,500) in order to allow the larger home, cannot be achieved without the requested variance.
3. The Board does not find that the variance is substantial. While a variance is being required because the floor area exceeds that permitted by code by 241 s.f., this is due to the fact that the detached garage (366 s.f.) is included in its entirety in the floor area calculations. Per Town Code 70-231 detached garages up to 300 s.f. are not included at all toward GFA. Therefore, as indicated in #1 above, if 66 s.f. of the garage were to be removed, the entire garage would not be included in the total GFA for the site and the home would be compliant with the GFA restrictions of the code.
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. Although the difficulty is somewhat self-created (the applicants are choosing to construct additions which will make the home larger than permitted by code), the reconstruction was necessitated as a result of a fire which destroyed the second floor of the home. Additionally, the financial hardship that will be incurred if the applicants are forced to remove 66 s.f. from the garage in order to make the house compliant is not a self-created difficulty since the cost of construction has increased from the time the application was originally made.

PLANNING
DEPARTMENT
ZONING
PERMITS
SECTION

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NOTICE OF DECISION

APPEAL #21227 - Suzanne Kolen; 99 Ivy Way, Port Washington; Section 5, Block 72; Lot 200; Zoned: Residence-A

Variance from §§70-30.C to construct an addition that is too close to the street.

Whereas, an application (FILE #21-011242, BZA22-000043) 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 **May 25, 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 Zampini, R.A. dated April 13, 2021 and revised through September 29, 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 Mammìna

Nays: None

VIRGINIA M. WAGNER
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REC'D IN TOWN CLERK
JUN 1 12 PM '22

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NOTICE OF DECISION

APPEAL #21231 - 2035 Lakeville Road, LLC (Sign); 2035 Lakeville Road, New Hyde Park; Section 8, Block 217, Lot 8; Zoned: Business-A
Variances from §§70-196.J(2)(b) and 70-196.J(2)(c) to construct a ground sign that is too close to the street and is too large.

Whereas, an application (FILE #21-009592, BZA22-000050) 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 **May 25, 2022**, the appeal in the above-entitled matter was decided as follows:

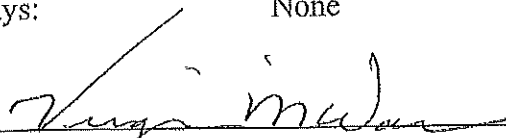
GRANTED of the dimension and in the location as shown on drawings prepared by Going Sign & Servicing Co., Inc. dated March 31, 2021 and March 11, 2022 and on a survey prepared by Albert W. Tay, L.S. dated April 3, 1999 *as annotated by the applicant.*

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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