

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 #20975.A – Westbury Jeep Chrysler Dodge, Inc. (J.R. Westbury Realty, LLC);
110 State Street, Westbury; Section 11, Block 58, Lot 134; Zoned Industrial-B**

Variances from §§ 70-203.J and 70-194 to legalize a vehicular entrance gate that is too close to a street and fencing that is too tall.

SYNOPSIS: The applicant previously appealed for a variance from §70-103.P and an appeal for determination or variance in the alternative from §70-191, to construct a canopy over a drive aisle between two buildings which violates the restrictions on covered parking spaces and which exceeds permitted lot coverage. The Board of Zoning and Appeals granted the variance from 70-103.P, and the applicant withdrew its request for a variance from 70-191. This appeal is being restored to the decision calendar for the purpose of considering two additional variance requests which should have been included in the applicant's original appeal.

Whereas, an application (FILE #21-004683, BZA22-000069) 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 **June 22, 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 T.J. Costello, R.A. dated December 31, 2019 and revised through April 30, 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

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

VIRGINIA M. WAGNER
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NOTICE OF DECISION

APPEAL #21230 – JDK-PHRI, LLC (George D. Kofinas, MD, FACOG); 66 Power House Rd., Roslyn Heights, Section 7, Block H, Lots 426 & 427; Zoned Business-A
Variances from §§ 70-103A(1), 70-196J(1)(a), & 70-196J(1)(f) to construct interior alterations to convert an office building into a medical office with not enough parking, to construct more than one sign on a wall of a building, and sign higher than allowed.

Whereas, an application (FILE #21-009994, BZA22-000047) 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 **June 22, 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 John M. Schimenti, RA. dated May 21, 2021 and revised through November 18, 2021 and on drawings prepared by NY Sign Art dated November 5, 2021 and revised through June 16, 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

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NOTICE OF DECISION

APPEAL #21239- Xiu Qing Luo; 15 Second Avenue, Westbury; Section 11, Block 109, Lot 360; Zoned: Residence-C/New Cassel Overlay District
Variances from §70-100.2(A)(2) to legalize fencing in a front yard.

Whereas, an application (FILE #22-005008, BZA22-000055) 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 **June 22, 2022**, the appeal in the above-entitled matter was decided as follows:

DENIED with respect to the variance sought under **§70-100.2(A)(2)** to legalize fencing in a front yard and **GRANTED sua sponte under §70-100.2(A)(4)** to allow fencing taller than permitted (5') of the dimension and in the location as shown on a survey prepared by Robert Friedel, L.S. dated April 12, 1960 and revised through May 19, 1960 *as annotated by the applicant and amended by the Board*

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 #21245 - Michael Gatzonis; 29 Oak Ridge Lane, Albertson; Section 7, Block 209, Lot 23; Zoned: Residence-C

Variances from §§70-50.C, 70-51.A, 70-209.A and 70-100.2.K to construct additions and renovations involving the removal of more than 50% of an original non-conforming dwelling, that are too close to the street, with smaller than required aggregate side yards and a generator that is too close to the side property line.

Whereas, an application (FILE #21-008588, BZA22-000070) 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 **June 22, 2022**, the appeal in the above-entitled matter was decided as follows:

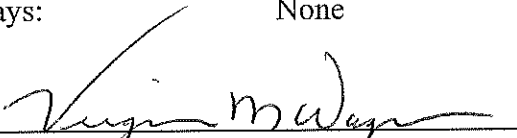
GRANTED of the dimension and in the location as shown on drawings prepared by Stephen Scheibly, R.A. dated June 28, 2021 and revised through March 2, 2022..

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

Motioned by: Member Hernandez 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 #21246 – Fredis Ventura; 659 Lowell St., Westbury, Section 10, Block 54, Lot 3255; Zoned Residence-C

Variance from § 70-50.C to construct additions too close to a street.

Whereas, an application (FILE #21-007923, BZA22-000067) 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 **June 22, 2022**, the appeal in the above-entitled matter was decided as follows:

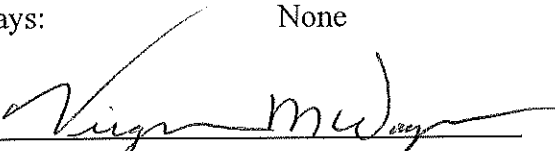
GRANTED of the dimension and in the location as shown on drawings prepared by Dennis M. Mele, R.A. dated June 2022 (*Note: This decision does not apply to any items which were not cited as disapproved in the Notice of Disapproval dated March 16, 2022*)

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 Mammina

Nays: None



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NOTICE OF DECISION

APPEAL #21247 - Anthony Branchinelli (Whale Tea); 445 Plandome Road, Manhasset; Section 3, Block 138-02, Lot 19; Zoned: Business-A

Conditional use §§70-139.A/70-126.F to construct alterations to convert a vacant retail space to a restaurant.

Whereas, an application (FILE #22-004590 BZA22-000058) 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 **June 22, 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 Edward Mallia, R.A. dated February 28, 2022 and revised through April 27, 2022
SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.

SEE ATTACHED RIDER

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

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21247

**APPEAL #21247 - Anthony Branchinelli (Whale Tea); 445 Plandome Road, Manhasset;
Section 3, Block 138-02, Lot 19; Zoned: Business-A**

Conditional use §§70-139.A/70-126.F to construct alterations to convert a vacant retail space to a restaurant.

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to approval and/or issuance of a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, and at every subsequent inspection following the issuance of said Place of Assembly or Place of Public Assembly License. All pick-up of sanitation shall be performed after 8:00 a.m.
2. That all exterior doors (with the exception of the primary customer entrance door) shall be of solid construction in a material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may the number of seats on the premises exceed 9 as depicted on the drawings prepared by Michael Edward Mallia, R.A. dated February 28, 2022 and revised through April 27, 2022. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That the applicant shall obtain a Place of Assembly or Place of Public Assembly License, if applicable, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:
 - [1]. an increase in the size of an approved kitchen by 20% of floor area of said kitchen, or 250 square feet, whichever is less, inclusive of prep areas, is proposed.
 - [2]. The addition or removal of counter/kiosk service for the placement of a food order.

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That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

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NOTICE OF DECISION

APPEAL #21248 - Elias Holding Corp.; 338 Westbury Avenue, Carle Place; Section 10, Block 14, Lot 64; Zoned: Business-B

Variations from §§70-103.A and 70-103.F(1) to rebuild the interior of a building for office use with not enough parking or loading zones.

Whereas, an application (FILE #19-232615, BZA22-000063) 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 **June 22, 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 December 14, 2020 and revised through November 3, 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 #21249 –J.R. Westbury Realty, LLC; Summa Avenue & Brooklyn Avenue, Westbury; Section 11, Block 161, Lot 1; Zoned Industrial-B

Variances from §§ 70-192(A), 70-203(J), & 70-212(B) to permit the storage of motor vehicles within the front yard (both Summa Ave and Brooklyn Ave frontages), vehicular entrance gates too close to a street, and outdoor storage (vehicles) too close to the street and occupying too much of the lot.

Whereas, an application (FILE #21-012358, BZA22-000007) 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 **June 22, 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 October 20, 2021 and revised through November 23, 2021.

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

Motioned by: Vice Chairman Francis Seconded by: Member Hernandez

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

Nays: None

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