

*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 #21452 – Chrisnanand Ramdhani; 150 Robby Ln., New Hyde Park; Section 8, Block 256, Lot 7; Zoned: Residence-A**

Conditional Use § 70-25(A) and Variances from §§ 70-231, 70-28 and 70-29(B) to construct additions for a mother-daughter residence (a conditional use) that exceed the floor area permitted, that exceed the floor area for a kitchen permitted, that will have two sets of stairs leading from one floor to another, that will have a separate entrance for the apartment, that will make the home too big, and will cover too much of the lot.

**Whereas**, an application (RBP22-000616, RBP23-000002, BZA23-000114) 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 14, 2024**, the appeal in the above-entitled matter was decided as follows:

The variances sought under §§ 70-231 to construct a mother-daughter that exceeds the floor area permitted, that exceeds the floor area for a kitchen permitted, that would have two sets of stairs leading from one floor to another and that would have a separate entrance for the apartment were **WITHDRAWN** per the submission of revised plans and the conditional use and variances sought under §§ 70-25(A), 70-28 and 70-29(B) to construct a mother-daughter residence (a conditional use) that will make the home too big and will cover too much of the lot are **GRANTED** of the dimension and in the location as shown on floor plans prepared by Michael Angelone, P.E. dated January 10, 2024 and a site plan prepared by Michael Angelone, P.E. dated July 5, 2022 and revised through May 24, 2023 **as amended SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

**SEE ATTACHED RIDER**

**THIS IS NOT A BUILDING PERMIT**

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, Acting Chairman Francis

Nays: None

Absent: Chairman Mammina  
Member Hernandez

*Deborah Algios*

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**DEBORAH ALGIOS  
DEPUTY TOWN ATTORNEY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

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Rider to Appeal # 21452

APPEAL #21452 – Chrisnanand Ramdhani; 150 Robby Ln., New Hyde Park; Section 8, Block 256, Lot 7; Zoned: Residence-A

### MOTHER-DAUGHTER CONDITIONS

1. The dwelling shall continue to maintain the character of a one-family dwelling.
2. There shall be no separate entrance from the exterior of the residence.
3. The owner of the property must reside at the residence.
4. The apartment resident must be either the parent or child of the property owner.
5. The dwelling shall be serviced by a single meter for each utility supply.
6. All interior alterations shall be in compliance with the N.Y.S. Uniform Fire Prevention and Building Code.
7. The Town Attorney will prepare a Declaration of Restrictive Covenant which must be signed and filed by the Owner(s) of the premises with the Nassau County Clerk's Office within thirty (30) days of receipt from the Town Attorney. A copy of the signed Declaration and filing receipt must be sent to the Town Attorney's Office within fourteen (14) days of filing. A copy of the signed Declaration and filing receipt should be sent to the following address:

Town Attorney's Office  
Town of North Hempstead  
220 Plandome Road  
Manhasset, New York 11030

**Failure to file the Declaration is a violation of the conditions of this decision and may result in the revocation of the conditional use permit.** The Declaration shall state that the use of the premises as a mother-daughter residence is limited to the owner(s) and their immediate family, that the premises may not be sold as a two-family dwelling and that the fee owner of any residence which ceases to be a mother-daughter residence under the conditions listed in 70-231 shall remove all cooking facilities from the apartment within 90 days of the change.

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### NOTICE OF DECISION

**APPEAL #21474 – Mohammad Bashire; 52 Knolls Drive N. New Hyde Park; Section 8, Block 255, Lot 78; Zoned: Residence-A**

Variance from §70-30 to legalize a two-story portico that is too close to the street.

**Whereas**, an application (RBP23-000500, BZA23-000141) 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 14, 2024**, 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 Franz M. Seborga, P.E. dated June 8, 2023 and on a survey prepared by Adrian S. Lalsa, Land Surveyor dated July 6, 2023.

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 Hernandez

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

*Deborah Algios*  
\_\_\_\_\_  
**DEBORAH ALGIOS**  
**DEPUTY TOWN ATTORNEY**

**THIS IS NOT A BUILDING PERMIT**

# **Board of Zoning Appeals**

## **Town of North Hempstead**

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### **Findings of Fact for Appeal # 21474**

**APPEAL #21474 – Mohammad Bashire; 52 Knolls Drive N. New Hyde Park; Section 8, Block 255, Lot 78; Zoned: Residence-A**

Variances from § 70-30 to legalize a two-story portico that is too close to the street.

The Board finds there will be no undesirable change to the character of the neighborhood nor that a detriment to neighboring properties will occur as a result of granting the requested variance. In making this determination the Board considered the following factors:

- 1) The Board counted at least twelve other homes on the block with two-story porticos, including an adjacent home and the home across the street from the subject property. Therefore, the Board determined that, in this instance, the two-story portico with a reduced front-yard setback will not negatively impact the character of the neighborhood.
- 2) Evidence was submitted into the record that at least two other homes on the block received similar front-yard setback variances for two-story porticos.

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#### NOTICE OF DECISION

**APPEAL #21475 – Biju Lukose; 522 Sperry Blvd., New Hyde Park; Section 8, Block 347, Lot 38; Zoned: Residence-C**

Variances from §§ 70-50 & 70-101 to construct roof gables too close to the street and a roofed-over porch too close to the street.

**Whereas**, an application (RBP23-000500, BZA23-000141) 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 14, 2024**, 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 T. Oliver, R.A. dated March 17, 202 and revised through December 29, 2023 *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, Acting Chairman Francis

Nays: None

Absent: Chairman Mammina  
Member Hernandez

*Deborah Algios*

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**DEBORAH ALGIOS**  
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### NOTICE OF DECISION

**APPEAL #21494 – James and Geraldine Gilligan; 62 Murray Ave., Port Washington; Section 5, Block 58, Lot 41; Zoned: Residence-A**

Variances from §§ 70-202.1.C and 70-202.1.E to legalize a retaining wall that is too tall and higher than the adjoining land that it retains.

**Whereas**, an application (RBP23-000673, BZA23-000166) 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 14, 2024**, 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 Lee Williams, P.E. dated August 2022.

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

Motioned by:           Member Donatelli           Seconded by: Member Hernandez  
  
Ayes:                    Member Hernandez, Member Donatelli, Acting Chairman Francis  
Nays:                    Member Goodsell  
Absent:                  Chairman Mammina

*Deborah Algios*  
\_\_\_\_\_  
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### NOTICE OF DECISION

**APPEAL #21500 - Frank Radocaj; 136 Albertson Parkway, Albertson; Section 7, Block 55, Lot 58; Zoned: Residence-B**

Variances from §§70-40.A and 70-41.A to construct additions that are too close to the side and front property lines and with less than required total (aggregate) side yards.

**Whereas**, an application (RBP23-000822, BZA23-000169) 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 14, 2024**, 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 Emilio Susa, R.A. dated July 27, 2023 and revised through October 6, 2023.

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,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

*Deborah Algios*

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**DEBORAH ALGIOS**  
**DEPUTY TOWN ATTORNEY**

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### NOTICE OF DECISION

**APPEAL #21501- Kazi Ahmed; 925 North 6<sup>th</sup> Street, New Hyde Park; Section 8, Block 17, Lot 39; Zoned: Residence-C**

Variances from §§70-50.A and 70-208.F to construct a new roofed over porch that is too close to the street on a non-conforming dwelling.

**Whereas**, an application (RBP23-000647, BZA23-000159) 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 14, 2024**, 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 Kohan, R.A. dated November 11, 2022 and revised through July 12, 2023.

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,  
Acting Chairman Francis, Chairman Mammina

Nays: None

Absent: Chairman Mammina

*Deborah Algios*

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### NOTICE OF DECISION

**APPEAL #21506 - Foot Locker (Signs) – 1484 Union Turnpike, New Hyde Park; Section 8, Block 235, Lot 56; Zoned: Business-AA**

Variances from §§70-196.J(1)(a), 70-196.J(1)(b), and 70-196.J(1)(f) to construct more than one sign on a wall and signage that is too tall and too high above the ground.

**Whereas**, an application (SGP23-000256, SGP23-000257, SGP23-000258, BZA23-000175) 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 14, 2024**, 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 Forge Signworks dated May 31, 2023, and revised through January 25, 2024 *as amended*.

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,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

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### NOTICE OF DECISION

**APPEAL #21510 - Brian & Jennifer Fox; 34 Bayview Avenue, Port Washington; Section 5, Block 54, Lot 309; Zoned: Residence-A/Residence-C**

Variance from § 70-100.1A to construct an outdoor kitchen with a barbeque, gas green egg and an outdoor bar in a side yard.

**Whereas**, an application (RBP23-000330, RBP23-000708, BZA24-000005) 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 14, 2024**, 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, P.E. dated April 18, 2023 and revised through December 20, 2023.

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,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

  
\_\_\_\_\_  
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### NOTICE OF DECISION

**APPEAL #21512 - Eduardo & Lidia Valverde; 1701 Aladdin Avenue, New Hyde Park;  
Section 8, Block 176, Lot 81; Zoned: Residence-C**

VariANCES from 70-50.B and 70-51.B to construct a portico that is too close to the street, and additions, including a roofed over open area that is too close to the street and to the side property line.

**Whereas**, an application (RBP23-000869, BZA24-000001) 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 14, 2024**, 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 Jared Mandel, R.A. dated October 12, 2023 and revised through November 16, 2023.

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,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

*Deborah Algios*

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### NOTICE OF DECISION

**APPEAL #21515 – Anthony & Johanna Bellissimo; 6 Hilton Ave., Garden City Park; Section 33, Block 562, Lot 941; Zoned: Residence-C**

Variance from § 70-101(B) to legalize a raised terrace too close to a street.

**Whereas**, an application (RBP23-000490, BZA24-000002) 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 14, 2024**, 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 April 6, 2023 and revised through October 10, 2023.

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,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

*Deborah Algios*

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### NOTICE OF DECISION

**APPEAL #21517 – Equistate, LLC (ACD Home Signs); 11 Glen Cove Rd., Greenvale; Section 7, Block D, Lot 122; Zoned: Business-B**

Variances from §§ 70-196(J)(1)(b) & 70-196(J)(1)(f) to construct wall signs that are too big, too tall and too high above the ground.

**Whereas**, an application (SGP23-000208, SGP23-000210, BZA23-000176) 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 14, 2024**, 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 Valley Signs & Awnings dated July 28, 2023.

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,  
Acting Chairman Francis  
Nays: None  
Absent: Chairman Mammina

*Deborah Algios*

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### Board of Zoning Appeals

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### NOTICE OF DECISION

**APPEAL #21497 – Kevin Developers, LLC (Tropical Smoothie Café); 32 B Glen Cove Rd., Greenvale; Section 20, Block 29, Lot 161; Zoned: Business-B/Residence-C**

Conditional Use §70-126(A) & Variance §70-103(A)(1) to construct interior alterations to convert an existing commercial space into a food use (a conditional use) and interior alterations to construct a mattress store with not enough parking.

**Whereas**, an application (CBP23-000265, CBP23-000012, BZA24-000162) 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 14, 2024**, 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 Cucich, R.A. dated October 23, 2023 and on drawings prepared by Brian Eric Newman, R.A. dated July 19, 2023 and revised through December 13, 2023 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

### SEE ATTACHED RIDER

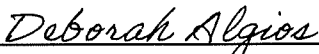
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli                      Seconded by: Member Hernandez

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Acting Chairman Francis

Nays: None

Absent: Chairman Mammina

  
\_\_\_\_\_  
**DEBORAH ALGIOS**  
**DEPUTY TOWN ATTORNEY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

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### Rider to Appeal # 21497(Conditions)

**APPEAL #21497 – Kevin Developers, LLC (Tropical Smoothie Café); 32 B Glen Cove Rd., Greenvale; Section 20, Block 29, Lot 161; Zoned: Business-B/Residence-C**

Conditional Use §70-126(A) & Variance §70-103(A)(1) to construct interior alterations to convert an existing commercial space into a food use (a conditional use) and interior alterations to construct a mattress store with not enough parking.

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 the issuance of a Certificate of Occupancy or Certificate of Completion. 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 **20** the maximum occupancy of the building as permitted by the Place of Public Assembly license, whichever is less. 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, if applicable, the applicant shall obtain a Place of Assembly or Place of Public Assembly License, 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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7. 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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# Town of North Hempstead



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Jay Hernandez

## Board of Zoning Appeals

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February 21, 2024

### VIA ELECTRONIC MAIL

Andrew Levitt, Esq.  
535 Broad Hollow Rd.  
Melville, NY 11747

RE: Appeal No. #20994  
Galena Associates, LLC (Valvoline Instant Oil Change)

Dear Mr. Levitt,

Our office has received your request for an extension of time to obtain a building permit for the variance(s) originally granted on March 3, 2021 (expiring on March 3, 2024). At its meeting on February 14, 2024 the Board of Zoning Appeals granted this request pursuant to §70-219.1 of the Town Code, thereby extending the decision for one year. The new deadline to obtain a building permit is March 3, 2025.

If you will not be able to obtain a permit within this new time period, please notify this office well in advance of the deadline. Please note that applicants are limited to a maximum of three one-year extensions (this is the 1<sup>st</sup> request).

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

Virginia M. Wagner  
Secretary

**THIS IS NOT A BUILDING PERMIT**