

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 #21549 - John Hanson; 19 Radcliff Avenue, Port Washington; Section 4, Block 11, Lot 64; Zoned: Residence-B

Variances from §§70-40.B and 70-101.A to construct additions that are located too close to the street in both the primary and secondary front yards and a chimney/fireplace that is located too close to the side property line.

Whereas, an application (RBP24-000075, BZA24-000048) 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 26, 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 James Thomas Martino, R.A dated October 7, 2023 and revised through February 26, 2024 *as amended*.

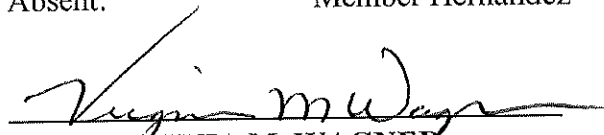
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Hernandez


VIRGINIA M. WAGNER
SECRETARY

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NOTICE OF DECISION

APPEAL #21550 - Sean Conroy; 7 Lincoln Place, Port Washington; Section 5, Block 41, Lot 4; Zoned: Residence-C

Variations from §§70-46.A, 70-52.6, 70-52.3(C)(3) and 70-208.F to construct a bathroom addition in a pre-existing non-conforming attic that will make the home too tall, with eaves that are too high, and which pierces the sky exposure plane.

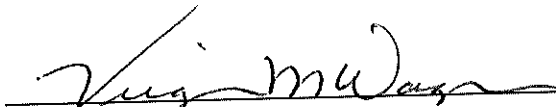
Whereas, an application (RBP24-000314, BZA24-000047) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **June 26, 2024**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Donald Alberto, R.A. dated February 29, 2024.

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

Rider (Findings of Fact for Appeal # 21550)

APPEAL #21550 - Sean Conroy; 7 Lincoln Place, Port Washington; Section 5, Block 41, Lot 4; Zoned: Residence-C

Variances from §§70-46.A, 70-52.6, 70-52.3(C)(3) and 70-208.F to construct a bathroom addition in a pre-existing non-conforming attic that will make the home too tall, with eaves that are too high, and which pierces the sky exposure plane.

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, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. The Board finds that granting the requested variances will not produce an undesirable change in the character of the neighborhood or community. The addition is located in the rear of the dwelling and is not visible from the street. In addition, the height of the proposed addition is no higher than the height of the existing dwelling.
2. The Board finds that the benefit sought by the applicant could be achieved by any other method.
3. The Board does not find the variances to be substantial as the height of the proposed addition is no higher than the existing dwelling and only exceeds the permitted height by 1.09'. Although the bathroom will be located within a pre-existing non-conforming attic, the findings for the prior appeal for this property (appeal #20903) noted that there was documentation to show that the attic had been used as living space in the past. The addition will allow the occupants of the bedroom to utilize a bathroom without the inconvenience of having to go up and down the stairs.
4. The Board does not find that granting the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

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5. Although the alleged difficulty is self-created, this fact is not determinative.

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NOTICE OF DECISION

APPEAL #21554 – Mohinder Singh; 2000 Hillside Ave., New Hyde Park; Section 8, Block 211-14, Lot 607; Zoned: Business-B

Variance from § 70-50(A) to convert a funeral home to a place of worship that is too close to the street.

Whereas, an application (CBP21-000178, BZA24-000044) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and

Whereas, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby establishes itself as “lead agency” and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **June 26, 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 Muzaffar Jamal, P.E. dated January 2, 2021 and revised through March 13, 2024.

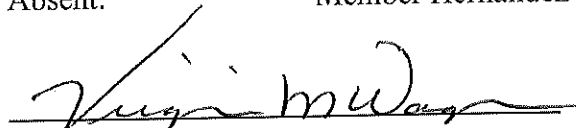
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman Francis Seconded by: Member Goodsell

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

Nays: None

Absent: Member Hernandez


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NOTICE OF DECISION

APPEAL #21557 - Weijing & Anthony Huang & Gao; 103 Bayview Avenue, Port Washington; Section 5, Block 40, Lot 49; Zoned: Residence-C
Variance from §70-47.1(B) to construct a new 2 family dwelling on a lot that is too narrow.

Whereas, an application (RBP24-000043, BZA24-000035) 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 **June 26, 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 George H. Jeng, R.A. dated January 19, 2024 and revised through June 5, 2024 *as amended*.

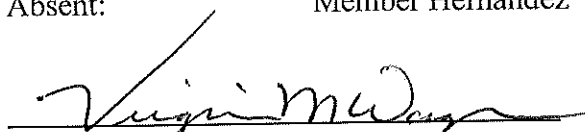
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

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 #21558 – Anna Ballinas; 3 Huntington Rd., Port Washington; Section 5, Block 60, Lot 313; Zoned: Residence-A

Variance from §70-29.C to construct a one-story addition and to legalize a preexisting nonconforming detached garage and finished attic (that were supposed to be removed per a prior permit) that would make the house too big.

Whereas, an application (RBP24-000135, RBP24-000356, BZA24-000056) 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 26, 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 Frank Falino, R.A. dated June 17, 2024 *as amended*.

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

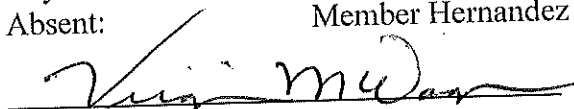
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

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

Rider to Appeal # 21558(Findings of Fact)

APPEAL #21558 – Anna Ballinas; 3 Huntington Rd., Port Washington; Section 5, Block 60, Lot 313; Zoned: Residence-A

Variance from §70-29.C to construct a one-story addition and to legalize a preexisting nonconforming detached garage and finished attic (that were supposed to be removed per a prior permit) 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.

The Board is familiar with the subject property and surrounding area based upon personal inspection. The Board has given a great deal of consideration to the information presented in the application as well as testimony given at the hearing. The Board notes that the record also includes letters submitted by the neighbors who objected to certain aspects of the project. Some of these neighbors also spoke at the hearing. In consideration of this information as well as the criteria listed above the Board finds the following:

§ 70-29.C

1. 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. The applicant submitted revised plans which result in a substantial reduction in the proposed gross floor area of the home. The original plans proposed a 6,490 s.f. home, including a 1,387 s.f. garage. The proposed plans will remove portions of the garage resulting in a reduction of the square footage down to 300 s.f.. Since garages of 300 s.f. or less are not required to be included in the gross floor area calculations, the result is a 1,387 s.f. reduction in the overall gross floor area of the home/property down to 5,103 s.f. Given the oversized nature of the property (24,504 s.f. where only 8,500 s.f. is required) the applicant would be entitled to a bump up to the provisions of the R-AA zoning district where a home of up to 5,200 s.f. would be allowed. Additionally, the concerns expressed by the neighbors were not about the proposed additions to the home but about the oversized garage which is now being

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modified. The garage will no longer have the potential to be used as additional living space. The Board also notes that the proposed additions to the home meet all other setback requirements of the Code.

2. The revised plans include modifications to the garage which will allow the applicant to add to their home without the requirement of a substantial GFA variance. The revised plans demonstrate the minimum variance necessary which will allow the applicant to achieve the benefit sought.
3. Although the requested GFA variance could be considered substantial, for the reasons stated in #1 above, the board does not find the substantiality of this variance to weigh in favor of denial.
4. The board finds that granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The Board finds that the difficulty is self-created because the applicant chooses to expand their home, however, this fact is not determinative.

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NOTICE OF DECISION

APPEAL #21566 - Wei Wei; 10 Belmont Drive South, Roslyn Heights; Section 7, Block 168, Lot 45; Zoned: Residence-AA

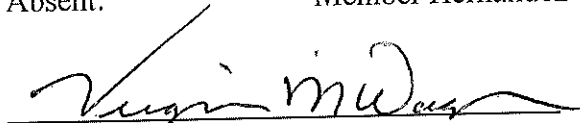
Variance from §70-20.C to construct additions that are located too close to the street.

Whereas, an application (RBP24-000055, BZA24-000057) 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 26, 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 Ying Xu, R.A. dated April 10, 2024.

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

Motioned by:	Member Goodsell	Seconded by: Member Donatelli
Ayes:	Member Goodsell, Member Member Donatelli, Vice Chairman Francis, Chairman Mammìna	
Nays:	None	
Absent:	Member Hernandez	


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NOTICE OF DECISION

APPEAL #21567 – Steven Hurwitz; 113 North Ct., Roslyn Heights; Section 7, Block 310, Lot 31; Zoned: Residence-B

Variance from § 70-41.A to construct additions that are located too close to the side property line and would make the combined side yards too small.

Whereas, an application (RBP24-000217, BZA24-000060) 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 26, 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 William J. Cohen, R.A. dated August 15, 2023 and revised through March 17, 2024.

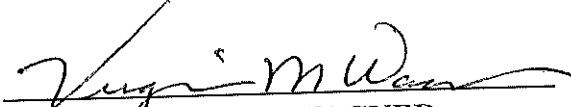
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

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 #21572 – Fifth Avenue of Long Island Realty, LLC (MaxMara Signs); 2102 Northern Blvd., Manhasset; Section 3, Block 183, Lot 12; Zoned: Business-A/Parking District

Variances from §§ 70-196(J)(1), 70-196(J)(1)(a) to erect wall signs that do not face a public street or parking area, are not parallel to the wall, with too many signs for one store.

Whereas, an application (SGP23-000346, SGP23-000347, BZA24-000058) 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 26, 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 Tee Pee Signs dated December 22, 2023 and revised through April 16, 2024.

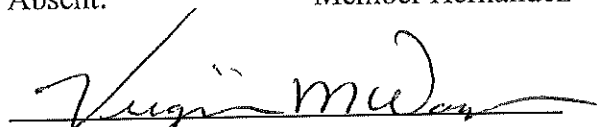
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

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

Nays: None

Absent: Member Hernandez


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NOTICE OF DECISION

APPEAL #21574 - Lake Success Shopping Center (Target Drive Up Sign); 1400 Union Turnpike, New Hyde Park; Section 8, Block 235, Lot 56; Zoned: Business-AA
Variances from §§70-196.J(2)(a) and 70-196.J(2)(d) to construct a ground sign with no open space between the bottom of the sign and the ground and exceeding the number of permitted ground signs on site.

Whereas, an application (SGP24-000064, CBP24-000085, BZA24-000059) 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 26, 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 Jere Murdoch, P.E. dated March 14, 2024 and on a site plan prepared by Bignell Watkins Hasser Architects, P.C. dated February 25, 2020 and revised through May 12, 2022.

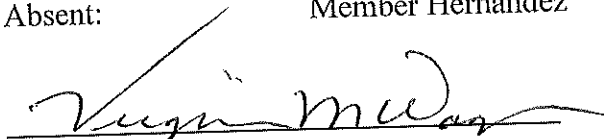
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

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 #21575 - Garden City Trans-Mix Corp. (renewal); 196-198 Atlantic Avenue, Garden City Park; Section 33, Block 159, Lot 426; Zoned: Industrial-B
Renewal of conditional use §70-187.B to maintain a non-conforming concrete business and variance from 70-203.J to legalize a rolling vehicle entry gate that is too close to the street.

Whereas, an application (CBP23-000193, CFP24-000006, BZA24-000065) 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 26, 2024**, the appeal in the above-entitled matter was decided as follows:

GRANTED for a period of three (3) years ending on **June 26, 2027** of the dimension and in the location as shown on drawings prepared by Mark Vincent Kruse, R.A. dated January 15, 2013 and revised through February 26, 2024 **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. Applicant shall conduct street sweeping of Atlantic Avenue daily as needed.*
- 2. Applicant shall clean catch basins on Atlantic Avenue on a quarterly basis in a manner which is sufficient to keep basins free of solidified concrete.*
- 3. Compliance with the above conditions shall be determined by the Town of North Hempstead department of Code Enforcement.*

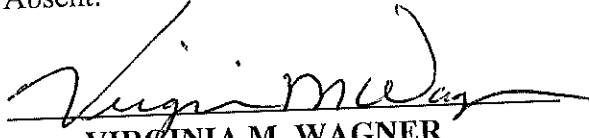
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The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Vice Chairman Francis

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

Nays: None
Absent: Member Hernandez


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