

# 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 #21479 - Ezra Sternstein; 124 Old Mill Road, Great Neck; Section 2, Block 45, Lot 22; Zoned: Residence-A**  
Variances from §§70-100.2(K) and 70-100.2(A)(2) to install a gas generator in a front yard and to legalize fencing in a front yard.

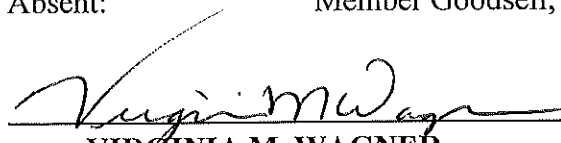
**Whereas**, an application (RPG22-000384, RFP23-000046, BZA22-000127) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **October 9, 2024**, the appeal in the above-entitled matter was decided as follows:

**GRANTED** of the dimension and in the location as shown on a survey prepared by Barrett Bonacci & Van Weele, L.S. dated November 16, 2016 *as annotated by the applicant* and on a survey prepared by Charles E. Ward dated July 6, 1966 *as annotated by the applicant*.

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

Motioned by: Member Hernandez                      Seconded by: Member Donatelli

Ayes: Member Hernandez, Member Donatelli, Vice Chairman Francis  
Nays: None  
Absent: Member Goodsell, Chairman Mammina

  
VIRGINIA M. WAGNER  
SECRETARY

**THIS IS NOT A BUILDING PERMIT**

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### NOTICE OF DECISION

**APPEAL #21590 - Tomas Garcia; 701 Roman Avenue, Westbury; Section 11, Block 91, Lot 20; Zoned: Residence-C**

Variance from §70-100.2(A)(2) to install fencing that is located within a front yard and to replace fencing that is located within a front yard.

**Whereas**, an application (RFP24-000143, BZA24-000087) 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 **October 9, 2024**, the appeal in the above-entitled matter was decided as follows:

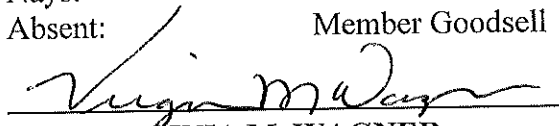
**GRANTED** of the dimension and in the location as shown on drawings submitted with the application dated June 14, 2024 **SUBJECT TO THE FOLLOWING CONDITION:**

- 1. As this variance represents a reasonable accommodation being provided to the applicant pursuant to the Americans with Disabilities Act, this variance shall not run with the land and the fencing in the front yard shall be removed upon the termination of the disabled person's residency in the home.*

**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: Vice Chairman Francis      Seconded by: Member Hernandez  
Ayes: Member Hernandez, Member Donatelli, Vice Chairman Francis,  
Chairman Mammina  
Nays: None  
Absent: Member Goodsell

  
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# **Board of Zoning Appeals**

## **Town of North Hempstead**

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### **Findings of Fact for Appeal # 21590**

**APPEAL #21590 - Tomas Garcia; 701 Roman Avenue, Westbury; Section 11, Block 91, Lot 20; Zoned: Residence-C**

Variance from §70-100.2(A)(2) to install fencing that is located within a front yard and to replace fencing that is located within a front yard.

The Board finds the applicant has submitted sufficient evidence to support why this application should be given special consideration under the Americans with Disabilities Act 28 C.F.R. § 35. Pursuant to § 35.130(b)(7), local governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability.

After careful consideration of testimony and other evidence submitted on the record for this appeal, the Board finds that the person to be accommodated has a disability; the modification being requested (permitting fencing in the front yard) is reasonably necessary to accommodate the disability; and the modification will not fundamentally and unreasonably alter the purpose of the zoning ordinance due to the limitations and conditions being imposed.

Given the above, the board grants the relief requested under 70-100.2(A)(2) to erect fencing within a front yard with the specific limitations and conditions as specified in the Notice of Decision, as a reasonable modification to the Zoning Code in order to accommodate the disability of the applicant's child.

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### NOTICE OF DECISION

**APPEAL #21599 - Matt Prince; 15 Sycamore Lane, Roslyn Heights; Section 7, Block 225, Lot 23; Zoned: Residence-AA**

Variations from §§70-20.C, 70-21.A, and 70-208.F to enclose a non-conforming carport that is too close to the side property line and the street and will result in the expansion of a non-conforming dwelling and to construct a second story addition that is too close to the side property line.

**Whereas**, an application (RBP23-000628, BZA24-000109) 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 **October 9, 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 Salvatore A. Ferrara, R.A. dated June 20, 2023 and revised through August 8, 2024.

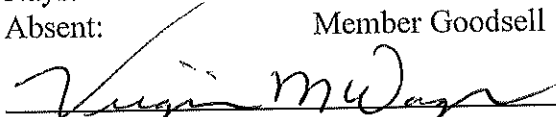
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli      Seconded by: Member Hernandez

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

Nays: None

Absent: Member Goodsell

  
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### NOTICE OF DECISION

**APPEAL #21603 – Ming Lin & Jin Dong Liang; 248 Glen Cove Rd., Carle Place; Section 9, Block 60, Lot 67; Zoned: Residence-C**

Variations §§ 70-100.2A(2)(a), 70-100.2A(4)(b) to legalize fencing that is forward of the front building line and to maintain fencing that is too tall.

**Whereas**, an application (RFP24-000194, BZA24-000108) 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 **October 9, 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. and disapproved by Dorys Rendon, Plans Examiner, on August 9, 2024.

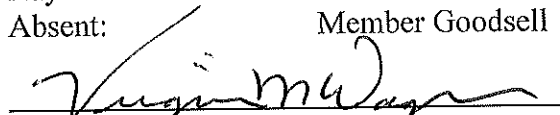
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli                      Seconded by: Member Hernandez

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

Nays: None

Absent: Member Goodsell

  
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### NOTICE OF DECISION

**APPEAL #21606 – HPIII New York 1010, LLC; 1010 Northern Blvd., Great Neck; Section 2, Block 347, Lot 4; Zoned: Business-A/Residence-C**

Appeal for determination or in the alternative variance from § 70-103(A)(1) to construct interior alterations converting office space (Suites 300, 410, 412 & 418) to medical office space with insufficient off-street parking.

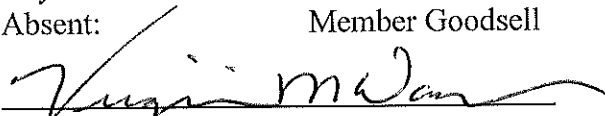
**Whereas**, an application (CBP24-000136, CBP24-000224, BZA24-000102) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and  
**Whereas**, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby 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 **October 9, 2024**, the appeal in the above-entitled matter was decided as follows:

The **appeal for determination** to review the decision of the building official was **WITHDRAWN** by the applicant at the hearing (**without prejudice**) and the variance sought under § 70-103(A)(1) to construct interior alterations converting office space (Suites 300, 410, 412 & 418) to medical office space with insufficient off-street parking, is **GRANTED** of the dimension and in the location as shown on drawings prepared by James A. Gaddis, R.A. dated April 24, 2024 and revised through July 19, 2024 (Site Plan), on drawings prepared by James A. Gaddis, R.A. dated April 24, 2024 and revised through July 1, 2024 (Dental Office Plans) and on drawings prepared by James A Gaddis, R.A. dated August 9, 2024 (Medical Suite Plans).

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

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

  
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### NOTICE OF DECISION

**APPEAL #21609 – First Class Collision; 542 Main St., Westbury; Section 11, Block 71, Lot 5; Zoned: Industrial-B**

Variance § 70-103(A) to legalize an expansion of an existing automobile body repair shop with not enough parking.

**Whereas**, an application (BP15-106667, BZA24-000114) 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 **October 9, 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 Luigi Gileno, R.A. dated January 3, 2024 and revised through June 6, 2024.

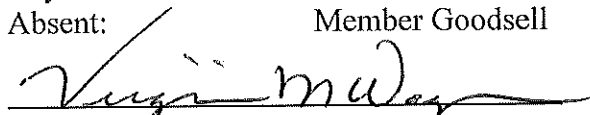
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman Francis                      Seconded by: Member Donatelli

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

Nays: None

Absent: Member Goodsell

  
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