

Town of North Hempstead



Chairman
David L. Mammina, R.A.,
A.I.A.

Members
Donal McCarthy, Esq.
Paul Aloe, Esq.
Leslie Francis, Esq.
David I. Levine, Esq.

Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #19963 - Robert Burrows, variance 70-102.C(2)(a)[5] to install pool fencing forward of the rear building line; W/side #27 Mitchell Rd., 285.83' S/of Luquer Rd., Port Washington, Sec. 5, Blk. 112, Lots 460, R-B District.

WHEREAS, applications (14-110675, 14-110677) were 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 **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

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

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammina
Absent: Member McCarthy.



JONATHAN P. FIELDING
SECRETARY

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NOTICE OF DECISION

APPEAL #19964 -Lee Hines, variance 70-30.C and 70-101.B to construct a portico within a required front yard setback; S/E/cor. 15 Summit Rd. and St. John Pl., Port Washington, Sec. 6, Blk. 33, Lot 23, R-A District.

WHEREAS, an application (15-101680) 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 **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Donald E. Sclare, R.A., dated November 12, 2014 and revised through November 24, 2014.

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

Motioned by: Member Aloe Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy
Absent: Chairman Mammìna



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NOTICE OF DECISION

APPEAL #19965 - Chris Delgiorno, variances 70-40.A, 70-41.A, 70-100.2.H, 70-100.2.A(4), 70-100.1.A, 70-101.B, 70-100.2.D to maintain additions within required front and side yard setbacks, a rear deck within a required side yard setback, fencing exceeding the permitted height, accessory structure in a required side yard setback, a portico within the front yard setback and a fireplace exceeding the permitted height; N/side 171 Laurel Dr., 200' E/of New Hyde Park Rd., New Hyde Park, Sec. 8, Blk. 302, Lot 4, R-B District.

WHEREAS, an application (15-101833) 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 **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the variance sought from §70-100.2.A(4), and **GRANTED** with respect to the variances sought from §§70-40.A, 70-41.A, 70-100.2.H, 70-100.1.A, 70-101.B, 70-100.2.D, of the dimension and in the location as shown on drawings prepared by Leo Joseph Pyzynski, Jr., R.A., dated October 2014 and a survey prepared by Frank S. Ferrantello, L.P.S., dated December 4, 2014, **SUBJECT TO THE FOLLOWING CONDITION:**

that the property owner shall install and maintain evergreen plantings, also installing replacement plantings as necessary, to screen the shed and air conditioning unit from view from Laurel Drive and the adjoining properties.

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

Motioned by: Member Levine Seconded by: Member Aloe
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy
Absent: Chairman Mammina



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NOTICE OF DECISION

APPEAL #19966 - Varughese George, variance 70-100.2.A(4) to maintain fencing in excess of permitted height; N/side #11 Hampton Ave., 127.38' E/of Willis Ave., Albertson, Sec. 9, Blk. 101, Lot 66, R-C District.

WHEREAS, an application (15-101424) was filed with the Board of Zoning Appeals, a public hearing was held following due notice, at a meeting of the Board held on **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

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

Motioned by: Member Aloe Seconded by: Member Francis
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy
Absent: Chairman Mammina



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NOTICE OF DECISION

APPEAL #19969.A - LT Propco, LLC/Lord & Taylor, appeal for determination, or in the alternative, variances 70-125, 70-103.A, 70-103.F, 70-128.1(A), 70-134, 70-140.B, and 70-208.G, to construct an addition to a non-conforming big box commercial use within a required rear yard setback with insufficient off street parking and loading zones; S/E/cor. #1440 Northern Blvd. & Shelter Rock Rd., Manhasset, Sec. 3, Blk. 145, Lots 16, 17, & 433, B-A District.

WHEREAS, an application (13-105472) 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; at a meeting of the Board held on **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Kevin P. Walsh, P.E., dated March 1, 2013 and revised through March 20, 2015 and drawings prepared by Thomas G. Hauck, Jr., R.A., dated December 4, 2012 and revised through June 7, 2013.

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

Motioned by: Member Aloe Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy
Absent: Chairman Mammina



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NOTICE OF DECISION

APPEAL #19969.B - LT Propco, LLC/Lord & Taylor, variances 70-196.J(1)(a), 70-196.J(1)(b), 70-196.J(1)(f) to erect signage exceeding the permitted height above grade, vertical measurement and number of signs on a wall; S/E/cor. #1440 Northern Blvd. & Shelter Rock Rd., Manhasset, Sec. 3, Blk. 145, Lots 16, 17, & 433, B-A District.

WHEREAS, an application (13-104657) were filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **APRIL 22, 2015**, 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 Thomas G. Hauck, Jr., R.A., dated December 4, 2012.

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

Motioned by: Member Aloe Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy
Absent: Chairman Mammina



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NOTICE OF DECISION

APPEAL #19971 - Roslyn O-S Hotel Partners, LLC, variances 70-167.B(1-3), 70-167.A(1), 70-167.A(2) to permit the construction of ground and wall signs exceeding the permitted number and size; NE/cor #3 Harbor Park Dr. & Industrial Park Dr., Port Washington, Sec. 6, Blk. 87, Lot 9, PIP District.

WHEREAS, an application (15-101429) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; at a meeting of the Board held on **APRIL 22, 2015**, 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 Scott Philip Rosenberg, R.A., dated October 1, 2014 and revised through March 30, 2015.

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

Motioned by: Member Aloe Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammina
Absent: Vice Chairman McCarthy



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NOTICE OF DECISION

APPEAL #19134.A – Ronald & Estelle Citrin, variances 70-203.G & 70-225.E to permit the continued use of a parking lot in conjunction with an established restaurant; N/W cor #235 Roslyn Rd. & Thelma St., Roslyn Heights; Sec 7, Blk. 68, Lot 48; B-A & R-C Districts.

WHEREAS, an application (11-113461) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; at a meeting of the Board held on **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on a survey prepared by Walter B. Sysak dated January 8, 1984, permitting the continued use of a parking lot in conjunction with an established restaurant for a period of five (5) years commencing as of March 19, 2015 and terminating on April 22, 2020, subject to the conditions listed on the attached rider.

SEE ATTACHED RIDER

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

Motioned by: Member Levine Seconded by: Member Francis
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammina
Absent: Vice Chairman McCarthy



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19134.A

Ronald & Estelle Citrin

NW/cor. 235 Roslyn Rd. & Thelma St., Roslyn Heights

Section: 7 Block: 68 Lot: 48

1. Applicant shall install 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 Public Assembly License and at every subsequent inspection following the issuance of said Place of Public Assembly License.
2. That all exterior doors shall be of solid construction in any 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. There shall be no on-street parking permitted within the residence district of any motor vehicles which are under the control of the applicant, tenants or employees.
4. Applicant shall install and maintain a landscape buffer area and fence along the western property line abutting residential properties, and along that portion of the northern property line abutting residential property, and install replacement plantings as necessary.
5. Applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that approval and/or issuance of a Place of Public Assembly License, Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Building Official.
6. The variances 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 variances shall terminate, and applicant must make a new application to this Board in order to continue to use the premises as a parking lot in conjunction with an established restaurant use.

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NOTICE OF DECISION

APPEAL #19974 – Purmil Company, LLC, conditional use 70-126(A) and variance 70-103.A(1) to maintain interior alterations for the conversion of commercial space to a restaurant with insufficient off-street parking; S/side 3338 Hillside Ave., 224.91' E/of Devonshire Dr., New Hyde Park, Sec. 9, Blk. 514, Lot 50, B-A District.

WHEREAS, an application (15-101782) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; at a meeting of the Board held on **APRIL 22, 2015**, 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 Amisano, R.A., dated October 26, 2014 and revised through February 27, 2015, **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

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

Motioned by: Member Aloe Seconded by: Member Francis
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammìna
Absent: Vice Chairman McCarthy



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19974

Purmil Company, LLC

S/side 3338 Hillside Ave., 224.91' E/of Devonshire Dr., New Hyde Park

Section: 9 Block: 514 Lot: 50

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.
2. That all exterior doors shall be of solid construction in any 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 there be more than 64 seats on the premises. 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, 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 § 70-225(7)(A). Prior to making any changes to the kitchen, either by the addition of equipment not on the approved plan, or through an increase in the size of existing equipment, or in the size of the square footage of the kitchen, the applicant or its successor shall make a new application to this Board for a conditional use permit to use the space as a restaurant.
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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NOTICE OF DECISION

APPEAL #19937 – Tracy Lefkowitz, variance 70-49.B to construct a one-story rear addition in excess of permitted floor area; S/side #42 Davis Rd., 217.54' W/of Haven Ave. Port Washington, Sec. 5, Blk. 91, Lot 95, R-C District.

WHEREAS, an application (15-100370) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **APRIL 22, 2015**, 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 J. Tivaldo, R.A., dated October 31, 2014.

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

Motioned by: Member Aloe Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammina
Absent: Vice Chairman McCarthy



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AMENDED NOTICE OF DECISION

APPEAL #19923 - Arthur Fellin, variance 70-100.2.H to maintain an A/C unit within a required side yard setback; NW/cor. #901 N. 6th St. & Bryant Ave., New Hyde Park, Sec. 8, Blk 17, Lot 181, R-C District.

WHEREAS, an application (14-110449) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, whereas, at a meeting held on January 21, 2015, the Board granted the application subject to conditions; upon a written application for an amended decision, at a meeting of the Board held on **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on a drawings received by the Board on December 4, 2014. Further, if the property owner desires to place a stanchion or bollard in front of the unit to prevent vehicles from striking it, he or she is permitted to do so.

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

Motioned by: Member Levine Seconded by: Member Aloe
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammìna
Absent: Vice Chairman McCarthy



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NOTICE OF DECISION

APPEAL #19918 - T&L's Place, variances 70-10.M, 70-134, 70-196.J.1.a, 70-196.K, 70-196.K.4, 70-203.P.2.f & 70-231 to erect a gas station and convenience store with insufficient landscaping & rear yard setback, signs exceeding the permitted number and area, exceeding the maximum permitted floor area, parking within a required front yard setback; NE/corner #515 Old Country Road, Westbury, Sec. 10, Blk. 163, Lot 41, Business-A District.

WHEREAS, an application (14-110338) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **APRIL 22, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on a drawings prepared by Christopher Mark Tartaglia, P.E., dated March 12, 2014 and revised through August 14, 2014.

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

Motioned by: Member Francis Seconded by: Member Levine
Aye: Member Levine, Member Francis, Member Aloe, Chairman Mammina
Absent: Vice Chairman McCarthy



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