

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 #19921 - Henry Famularo, variance 70-100.2.A.2 to construct fence in a front yard; N/side #30 Wilwade Rd., 40' E/of Soundview Rd., Great Neck, Sec. 2, Blk 28301, Lot 90, R-B District.

WHEREAS, an application (14-110806) 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 **JANUARY 21, 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 William H. Parry, Inc., dated July 25, 1947, annotated by the applicant, and received by the Board on December 17, 2014.

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

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



JONATHAN P. FIELDING
SECRETARY

THIS IS NOT A BUILDING PERMIT

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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. That at a meeting of the Board held on **JANUARY 21, 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, **SUBJECT TO THE FOLLOWING CONDITION:** that the air conditioning unit be screened from view from the neighboring property by fencing. 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: Vice Chairman McCarthy
Aye: Member Levine, Member Aloe, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Francis



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NOTICE OF DECISION

APPEAL #19925 - Jon Kreiss, variances 70-50.C & 70-51.A to maintain a terrace in a required front yard; and a second-story addition in a required side yard; S/side #524 Maple Drive West, 286.05' E/of Wilton St., New Hyde Park, Sec. 8, Blk 336, Lot 32, R-C District.

WHEREAS, an application (14-110315) 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 **JANUARY 21, 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 Robert Costello, R.A., dated June 27, 2014 and revised through October 23, 2014, and a survey prepared by Peter J. Brabazon, L.L.S., dated June 7, 2014.

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

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



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NOTICE OF DECISION

APPEAL #19927 - Clarence Weigold, conditional use 70-126.A & 70-225.B(7)(a) to modify kitchen equipment at an existing restaurant; E/side #440 Plandome Rd., 50.16' N/of Orchard St., Manhasset, Sec. 3, Blk 71, Lot 102, B-A District.

WHEREAS, an application (14-110829) 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 **JANUARY 21, 2015**, the appeal in the above entitled matter was decided as follows:

The conditional use permit is **GRANTED** of the dimension and in the location shown on drawings prepared by Clarence E. Weigold, Jr., R.A. dated November 25, 2014 and revised through December 15, 2014, subject to the following conditions:

SEE ATTACHED RIDER TO DECISION

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

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

A handwritten signature in black ink, appearing to read "J.P. Fielding", written over a horizontal line.

JONATHAN P. FIELDING
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19927

Clarence Weigold

E/side #440 Plandome Rd., 50.16' N/of Orchard St., Manhasset

Section: 3 Block: 71 Lots: 102

1. That the applicant, its successors and/or assigns (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 food use 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 (a) Certificate of Occupancy/Certificate of Completion or Certificate of Existing Use; and (b) 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 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.
3. That all exterior doors shall be of solid construction, equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
4. At no time may there be more than ten (10) 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.
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/Certificate of Completion or Certificate of Existing Use 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 food use.
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 food use.

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NOTICE OF DECISION

APPEAL #19928 - Lisa Yeung (Sylvan Learning Center), variances 70-103.A.1 & 70-103.F convert retail space to a tutoring center with insufficient parking and loading; N/side #23 Main St., 102.12' E/of N. Maryland Ave., Port Washington, Sec. 5, Blk 26, Lot 63, B-B District.

WHEREAS, an application (14-110818) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; therefore, at a meeting of the Board held on **JANUARY 21, 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 King W. Leung, R.A., dated December 14, 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 Aloe, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Francis



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NOTICE OF DECISION

APPEAL #19658 - The Salvation Army, variances 70-103.A and 70-130.A to construct a new two-story religious building with insufficient off-street parking exceeding the permitted height; SE/cor. 992 Prospect Ave. and New York Ave., Westbury, Sec. 11, Blk. 31, Lot 90, B-A/R-C/New Cassel Urban Renewal Overlay Districts

WHEREAS, an application (13-110252) 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 **JANUARY 21, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings by Alexander Badalamenti, R.A., dated October 7, 2011 and revised through September 22, 2014, and drawings by Paul F. Stevents, P.E., dated October 7, 2011 and revised through September 23, 2014, limiting the seating in the chapel to three hundred seventy-five (375) seats.

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

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



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NOTICE OF DECISION

APPEAL #19742 - Anthony Branchinelli, variances 70-19.C, 70-21, 78-22.3.A, 70-100.2.A(2), and 70-202.1.C to construct additions within the required sky exposure plane with insufficient aggregate side yards and exceeding the permitted floor area; retaining walls exceeding the permitted height, and construction and maintenance of accessory structures within a required front yard; S/side 36 Soundview Crest, 360' E/of Country Club Dr., Manhasset, Sec. 3, Blk. 204, Lot 12, R-A District.

WHEREAS, an application (14-102266) 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 **JANUARY 21, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED IN PART, with respect to the variances sought from §§70-100.2A(2) and 70-202.1C, of the dimension and in the location shown on drawings prepared by Gary E. Gallagher, R.A., dated October 18, 2013, drawings prepared by Bruce Robert Mawhirter, P.E., dated August 31, 2012, drawings prepared by Joseph Lawrence Piscitelli, R.L.A., dated January 2, 2012 and revised through November 6, 2013, and a survey prepared by Laurence Michael Haynes, L.L.S., dated November 12, 2008 and revised through September 7, 2013, and **DENIED IN PART**, with respect to the variances sought from §§70-19.C, 70-21, and 78-22.3A.

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

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



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NOTICE OF DECISION

APPEAL #19852 - Kenneth Buettner, variances 70-49.C, 70-100.1.B, and 70-102.C(5)(b) to maintain an addition exceeding the permitted floor area, and a pool and gazebo within a required side yard setback; N/side 31 Bar Beach Rd., 140' E/of Orchard St., Port Washington, Sec. 6, Blk. 6, Lot 71, R-C District.

WHEREAS, an application (14-107745) 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 **JANUARY 21, 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 Frank J. Tipaldo, R.A., dated March 5, 2013 and revised through April 9, 2014, and a survey prepared by Ralph Anderson, L.L.S., dated February 1, 2013 and revised through June 11, 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 Aloe, Chairman Mammina
Absent: Member Francis, Vice Chairman McCarthy



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NOTICE OF DECISION

APPEAL #19900 - The Scotts Company, variances 70-103.A to construct interior alterations to a commercial building with insufficient off-street parking; W/side #800 Port Washington Boulevard, 322.01' S/of Vanderventer Ave., Port Washington, Sec. 5, Blk. 129, Lot 74, B-A, I-B Districts.

WHEREAS, an application (14-109621) 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 **JANUARY 21, 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 Lisa Vangelas, R.A., dated October 27, 2014 and revised through November 17, 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 Aloe, Chairman Mammina
Absent: Member Francis, Vice Chairman McCarthy



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NOTICE OF DECISION

APPEAL #19903 – Murray Rabinowitz, variances 70-29.C & 70-208.F to construct an addition to a non-conforming dwelling exceeding permitted floor area; N/side #1 Country Pl. 80' W/of Brook Ridge Rd., Great Neck, Sec. 2, Blk. 45, Lot 130, R-A District.

WHEREAS, an application (14-110383) 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 **JANUARY 21, 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 George Hitchcock Suddell, R.A., dated October 25, 2013 and revised through November 24, 2014.

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

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



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NOTICE OF DECISION

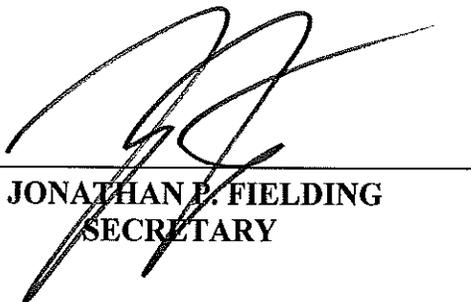
APPEAL #19711 - Frank Delia, appeal for determination, or in the alternative, variance 70-29.C to construct a 2nd floor addition exceeding the permitted floor area, N/side 12 Summit Rd., 315.74' E/of Beacon Hill Rd., Port Washington, Sec. 6, Blk. 29, Lot 209, R-A District.

WHEREAS, an application (14-101034) 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 **JANUARY 21, 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 Norman Nemec, R.A., dated June 11, 2013, and revised through December 16, 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 Aloe, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Francis



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AMENDED NOTICE OF DECISION

APPEAL #19591 - Ke Feng Dai/Myron D. Vogel, conditional use 70-187.P; 70-225(7)(a) to permit the conversion of a retail store to a restaurant; E/side #183 Glen Cove Rd., 0.0' N/of L.I.R.R., Carle Place, Sec. 10, Blk. N, Lot 238, I-B District.

Whereas, an application (13-106424) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, and a decision was rendered by the Board on September 11, 2013; therefore, upon a written application to amend said decision, at a meeting of the Board held on **JANUARY 21, 2015**, the appeal in the above entitled matter was decided as follows:

The conditional use permit is **GRANTED** of the dimension and in the location shown on drawings prepared by Reza Khamcy, P.E., dated November 12, 2013, subject to the following conditions:

SEE ATTACHED RIDER TO DECISION

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

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



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19591

Ke Feng Dai/Myron Vogel

E/side 183 Glen Cove Rd., 0.0' N/of L.I.R.R., Carle Place

Section: 10 Block: N Lots: 238

1. That the applicant, its successors and/or assigns (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 food use 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 (a) Certificate of Occupancy/Certificate of Completion or Certificate of Existing Use; and (b) 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 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.
3. That all exterior doors shall be of solid construction, equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
4. At no time may there be more than one hundred fifty-eight (158) 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.
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/Certificate of Completion or Certificate of Existing Use 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 food use.
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 food use.