

Town of North Hempstead



Chairman

David L. Mamma, 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 #19938- Patrick & Linda Woods, variances 70-50.A, 70-101.B and 70-100.2.A(2) to maintain an enclosed porch and portico within a required front yard setback and fencing beyond the front building line; W/side 155 Jefferson Ave., 440.05' N/of Powerhouse Rd., Roslyn Heights, Sec. 7, Blk. G, Lot 504, R-C District.

WHEREAS, applications (15-100720, 15-100721) 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 **MARCH 4, 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 William J. Cook, R.A., dated September 14, 2014, and a survey prepared by Joseph Nicoletti, P.L.S., dated March 15, 2012, **SUBJECT TO THE FOLLOWING CONDITION:**

That the existing fence shall be permitted to remain, but shall not be replaced.

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, Vice Chairman McCarthy

Absent: Chairman Mamma



JONATHAN P. FIELDING
SECRETARY

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NOTICE OF DECISION

APPEAL #19932 - Perry Haralambidis, variance 70-50.C to construct additions and a portico within a required front yard setback; N/side 25 Lea Pl., 67.08' E/of Hilltop Pl., Albertson, Sec. 7, Blk. 210, Lot 12, R-C District.

WHEREAS, an application (14-111076) 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 **MARCH 4, 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 J. Scavo, R.A., dated November 12, 2009 and revised through June 18, 2014.

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, Vice Chairman McCarthy
Absent: Chairman Mammìna



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NOTICE OF DECISION

APPEAL #19940 - Richard Fincke, variance 70-100.2H to maintain an A/C unit within a required side yard setback; N/side 101 Sixth St., 600' E/of Central Ave., New Hyde Park, Sec. 9, Blk. 547, Lot 860, R-C District.

WHEREAS, an application (15-100488) 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 **MARCH 4, 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 Szczepan H. Roguski, L.L.S., dated August 20, 2013, **SUBJECT TO THE FOLLOWING CONDITION:**

the property owner shall install and maintain evergreen plantings, also installing replacement plantings as necessary, sufficient to screen the air conditioning unit from view from Sixth Street and the adjoining property.

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

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



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NOTICE OF DECISION

APPEAL #19550.A - Laura Baccaray, renewal of conditional use 70-35.A, and variances 70-40.B, 70-40.C, and 70-42 to construct additions and alterations within required front and rear yards for conversion of a single family dwelling to a mother-daughter use; N/W/cor. #2 Peachtree La., & Twelfth St., Carle Place, Sec. 10, Blk. 280, Lot 17, R-B District.

WHEREAS, an application (13-105048) was filed with the Board of Zoning Appeals, a public hearing was held following due notice, and the Board granted the variances and conditional use permit requested on July 17, 2013; upon a written application to renew this decision, at a meeting of the Board held on **MARCH 4, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, renewing the variances and conditional use permit as of the date of this decision.

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, Vice Chairman McCarthy

Absent: Chairman Mammia



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NOTICE OF DECISION

APPEAL #19941 – Vito Milanese, variances 70-51.E & 70-208.F to maintain a one-story rear addition with insufficient side yard setback; S/side #14 Locust St., 150' W/of Walnut St., Greenvale, Sec. 20, Blk. 35, Lot 14, R-C District.

WHEREAS, an application (15-100458) 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 **MARCH 4, 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 Frank Galluzzo, P.L.S., dated January 17, 2012 and revised through October 19, 2013, and on drawings prepared by Michael Sergio Tedesco, R.A., dated May 1, 2013 and revised through January 16, 2015.

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, Vice Chairman McCarthy

Absent: Chairman Mammina



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NOTICE OF DECISION

APPEAL #19910 - Kavita Jacobson, variance 70-100.2.A.4.B to maintain fencing exceeding permitted height; N/side #38 Herbert Drive, 55.69' W/of Bixley Drive, New Hyde Park, Sec. 9, Blk 519, Lot 13, R-C District.

WHEREAS, an application (14-109776) 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 **MARCH 4, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location as shown on a drawing prepared by Amendola Fence Co., dated February 5, 2015.

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

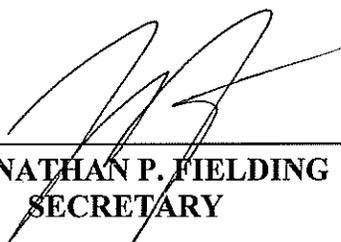
APPEAL #19924 - Trpimir Ivkovic, variances 70-30.B, 70-208.F & 70-31.B to construct a second story addition and portico in a required secondary front yard, and maintain a deck in a required side yard; NE/cor. #92 Greenway West & South Dr., New Hyde Park, Sec. 8, Blk 209, Lot 22, R-C District.

WHEREAS, an application (14-110563) 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 **MARCH 4, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings by Bernard G. Rodgers, R.A., dated November 18, 2013 and revised through July 24, 2014, and a survey prepared by Ramzan Alli, L.L.S., dated November 20, 2013 and revised through July 23, 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



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NOTICE OF DECISION

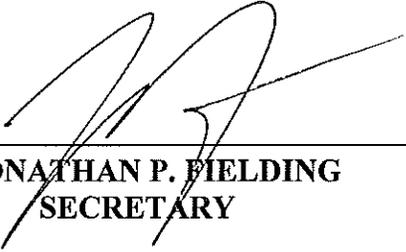
APPEAL #19883 - Emike Propreties LLC (Owner)/Nassau Expeditors (Applicant), variance 70-100.2.A(2) to maintain fencing beyond the front building line; S/E/cor. 296 Wright St., and Prospect Ave., Westbury, Sec. 11, Blk. 93, Lot 12, R-C/New Cassel Overlay Districts.

WHEREAS, an application (14-108855) 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 **MARCH 4, 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 Christopher Henn, L.S., dated October 17, 2001.

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, Vice Chairman McCarthy,
 Chairman Mammina



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AMENDED NOTICE OF DECISION

APPEAL #19886 – Benito Ferranti – conditional use 70-126.A and variance 70-103.A(1) to maintain interior alterations to an existing commercial structure for a restaurant with insufficient off-street parking; N/W/cor. 795 Old Country Rd. and Elton St., Westbury, Sec. 10, Blk. 52, Lot 51, B-A District.

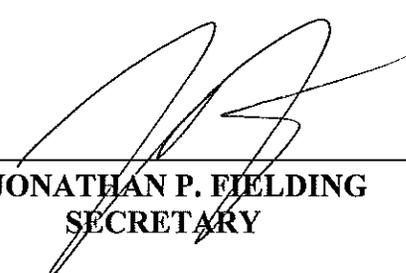
WHEREAS, an application (14-108893) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and whereas a review was undertaken pursuant to the State Environmental Review Act and the Board of Zoning Appeals established itself as Lead Agency and determined that this Unlisted Action will not result in any significant adverse environmental impacts; and whereas, the Board granted the relief requested on November 19, 2014; upon a written application for an amendment to that decision, at a meeting of the Board held on **MARCH 4, 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 Timothy Lambert, R.A., dated July 8, 2014 and revised through September 30, 2014, **SUBJECT TO THE FOLLOWING CONDITIONS:**

SEE ATTACHED RIDER

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, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Aloe



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19886

Benito Ferranti

NW/cor. 795 Old Country Rd. & Elton St., Westbury

Section: 10 Block: 52 Lot: 51

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, excepting the French doors on the front façade of the building, and shall be 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 sixty-eight (68) 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 #19919 - 683 Old Country Road, LLC, conditional use and variance 70-225.B.7.b & 70-225.B.7.c for permit to operate a fast food restaurant with insufficient parking; NW/corner #683 Old Country Rd. and Arlington St., Westbury, Sec. 10, Blk. 206, Lots 25 & 104, B-A & R-C Districts.

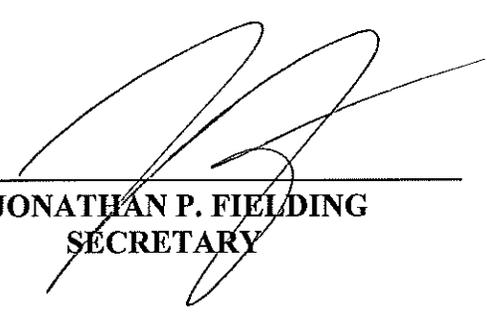
WHEREAS, an application (14-106635) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **MARCH 4, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Emilio Susa, R.A., dated June 30, 2014, **SUBJECT TO THE FOLLOWING CONDITIONS:**

SEE ATTACHED RIDER

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

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



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19919
683 Old Country Road, LLC
NW/cor. 683 Old Country Rd. & Arlington St., Westbury
Section: 10 Block: 206 Lot: 104

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, shall be 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 sixty-four (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.
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.
8. That the food use as described by the applicant at the public hearing shall constitute a "bar and grill" restaurant for the purposes of the parking requirement outlined in § 70-103.A of the Code.

