

# 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 #19952 - Peyman Hakimi**, variance 70-100.1.A to maintain fencing, a barbecue and a raised terrace with brick wall within a front yard; E/side 7 Winfield Terr., 72.24' S/of Hawthorne Ln., Great Neck, Sec. 2, Blk. 373, Lot 7, R-A District.

**WHEREAS**, an applications (15-101362) 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 1, 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 Edward W. Dickman, R.A., dated May 14, 2014 and revised through January 21, 2015, and a survey prepared by Peter J. Brabazon, L.L.S., dated August 8, 2012 and revised through January 15, 2015, **SUBJECT TO THE FOLLOWING CONDITION:**

*the property owner shall install and maintain evergreen plantings, also installing replacement plantings as necessary, sufficient to screen the fencing from view from Bayview Avenue.*

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

Motioned by: Member Aloe                      Seconded by: Member Francis  
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy  
Not participating: Member Levine

  
\_\_\_\_\_  
**JONATHAN P. FIELDING**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

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### NOTICE OF DECISION

**APPEAL #19953 – Philippe Ohanessian (Applicant)/John Snee (Owner)**, variances 70-40.A, 70-40.B, and 70-101.B to construct additions within required front yard setbacks; SE/cor. 4 South Dr. and West Dr., Manhasset, Sec. 3, Blk. 90. Lot 102, R-B District.

**WHEREAS**, an application (15-101163) 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 1, 2015**, the appeal in the above entitled matter was decided as follows:

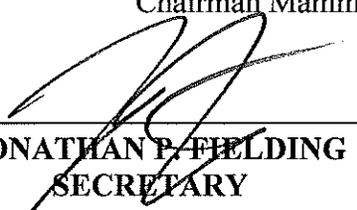
**GRANTED** of the dimension and in the location as shown on drawings prepared by Gregory Basmajian, R.A., dated December 10, 2014 and revised through March 10, 2015, **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) that the property owner shall install and maintain evergreen plantings, also installing replacement plantings as necessary, six (6') feet in height, planted five feet apart on center, on the south side of the property from West Drive to the rear property line, with an irrigation system which shall be maintained and repaired as necessary; and
- 2) That the width of the portico be limited to eight (8') feet.

No building permit shall be issued until the Applicant submits drawings signed and sealed by a Registered Architect or Professional Engineer that comply with the terms of this decision.

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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### NOTICE OF DECISION

**APPEAL #19956 - Jason Leckner**, variances 70-50.A, 70-51.A & 70-103.A(1) to construct a two-story addition within required front and side yard setbacks and with insufficient parking; W/side. #19 Pilgrim St., 115.1' S/of Hillside Ave., New Hyde Park, Sec. 8, Blk. 328, Lot 15, R-C District.

**WHEREAS**, an application (15-101255) 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 1, 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 December 16, 2014 and revised through February 2, 2015, **SUBJECT TO THE CONDITION** that the roof pitch shall be 6 on 12.

No building permit shall be issued until the Applicant submits drawings signed and sealed by a Registered Architect or Professional Engineer that comply with the terms of this decision.

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 Francis, Member Aloe, Vice Chairman McCarthy,  
                    Chairman Mammia

  
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## **Board of Zoning Appeals**

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## **NOTICE OF DECISION**

**APPEAL #19958 - Patricia Conte**, variance 70-100.2.D to maintain an outdoor fireplace exceeding permitted height; E/side. #36 Piper Dr., 413.32' N/of Wheatley Ave., Albertson, Sec. 9, Blk. 639, Lot 89, R-A District.

**WHEREAS**, an application (14-110988) 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 **APRIL 1, 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, Chairman Mammina

Absent: Vice Chairman McCarthy

  
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### NOTICE OF DECISION

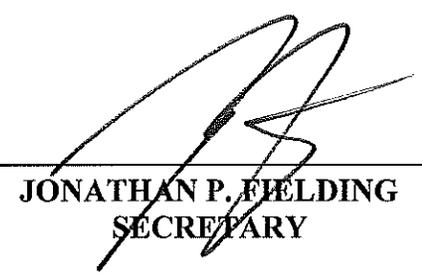
**APPEAL #19408.A – Estate of Anthony Garro**, conditional use 70-139.A to permit the continued use of premises as a parking lot; W/side #17 Myrtle St., 100' N/of Hillside Ave., Manhasset, Sec. 3, Blk. 44, Lots: 5& p/o 7, B-B District.

**WHEREAS**, an application (15-101167) 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 1, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, for a three-year term commencing as of April 1, 2015 and terminating on April 1, 2018, of the dimension and in the location shown on a plot plan dated March 24, 1982, which was initially approved by this Board under Appeal No. 12105.

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 Francis, Member Aloe, Vice Chairman McCarthy,  
                  Chairman Mammina

  
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Lidia Ferraris, Esq.

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### NOTICE OF DECISION

**APPEAL #19939 - Kunal & Gunjan Sharma (Owner)/Victor Thomas, Architect (Applicant)**, variance 70-100.2A to maintain fencing beyond the front building line; SW/cor. 18 Evans Ave. and New Hyde Park Rd., New Hyde Park, Sec. 8, Blk. 212, Lot 131, R- C District.

**WHEREAS**, an application (15-100388) 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 1, 2015**, 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 Adrian S. Lalsa, L.L.S., dated July 7, 2014 and revised through November 10, 2014.

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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### NOTICE OF DECISION

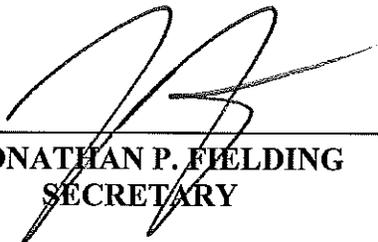
**APPEAL # 19929.A - D.F. Allen & Co., Inc.**, conditional use 70-187, variances 70-103.B, 70-189.1, 70-192.B, 70-229.A to maintain an addition to a commercial building used for storage of refuse with insufficient parking in a required rear yard not in compliance with a prior decision of the Board, E/side of 114 Sylvester St., 500' N/of Main St., Westbury, Sec. 11, Blk. 180, Lots 11-13, 15-21, I-B District.

**WHEREAS**, an application (14-110661) 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 1, 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 Joseph R. Amato, P.E., dated November 8, 2012 and revised through January 5, 2015, drawings prepared by John Scott Grupp, R.A., dated July 16, 2013, drawings prepared by Nicolangelo Cuoco, P.E., dated June 6, 2014, and surveys prepared by Ralph Anderson, L.S., dated October 8, 2012 and revised through February 3, 2013.

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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### NOTICE OF DECISION

**APPEAL #19929.B - D.F. Allen & Co., Inc.**, appeal for determination, or in the alternative, conditional use 70-187.K, variances 70-186, 70-191, 70-192.A, 70-192.B, 70-189.1, 70-103.B to construct a covered, open-sided addition to a commercial building to be used for the storage of refuse with insufficient parking in required front and rear yards, E/side of 114 Sylvester St., 500' N/of Main St., Westbury, Sec. 11, Blk. 180, Lots 11-13, 15-21, I-B District.

**WHEREAS**, an application (14-110661) 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 1, 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 Joseph R. Amato, P.E., dated November 8, 2012 and revised through January 5, 2015, drawings prepared by John Scott Grupp, R.A., dated July 16, 2013, drawings prepared by Nicolangelo Cuoco, P.E., dated June 6, 2014, and surveys prepared by Ralph Anderson, L.S., dated October 8, 2012 and revised through February 3, 2013.

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

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### NOTICE OF DECISION

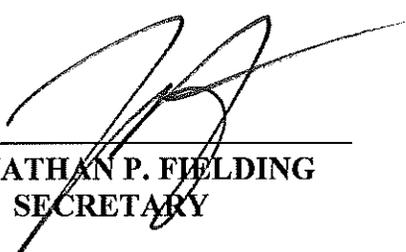
**APPEAL #19929.C - D.F. Allen & Co., Inc.**, variances 70-103.B, 70-103.M, 70-103.P, 70-189.1 to convert a building used for storage to indoor parking with an insufficient number of spaces and stall dimension and with parking in a required front yard, W/side of 91 New York Ave., 500' N/of Main St., Westbury, Sec. 11, Blk. 180, Lots 22-25, 56-61, I-B District.

**WHEREAS**, an application (14-110661) 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 1, 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 Joseph R. Amato, P.E., dated November 8, 2012 and revised through January 5, 2015, drawings prepared by John Scott Grupp, R.A., dated July 16, 2013, drawings prepared by Nicolangelo Cuoco, P.E., dated June 6, 2014, and surveys prepared by Ralph Anderson, L.S., dated October 8, 2012 and revised through February 3, 2013.

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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### NOTICE OF DECISION

**APPEAL #19943 - Great Neck Public Library**, variance 70-103.A(1) to construct additions and renovations to a public library with insufficient off-street parking; E/side #159 Bayview Ave., 514.5' N/of Bluebird Dr., Great Neck, Sec. 1, Blk. 203, Lot 5, R-AA District.

**WHEREAS**, an application (15-100708) 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 1, 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 Russell Armstrong Davidson, R.A., dated January 15, 2014 and revised through January 28, 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,  
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### AMENDED NOTICE OF DECISION

**APPEAL #19823 - BDG Garden City Park, LLC**, conditional use 70-139.A and appeal for determination, or in the alternative, variances 70-196.J(1)(a), 70-196.J(1)(b), 70-196.J(1)(f), to construct a restaurant (a conditional use) and erect signage exceeding the permitted number of signs, permitted height, surface area, and height above grade, and signage for an adjacent business; S/W/cor. 2350 Jericho Tpke. and County Courthouse Ave., Garden City Park, Sec. 33, Blk. 531, Lot 86, B-B and Parking Districts.

**Whereas**, applications (14-102093, 14-102094, 14-102096, 14-104667) were 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 established itself as Lead Agency and determined that this Unlisted Action will not result in any significant adverse environmental impacts; and whereas, the application to amend the appeal to include a variance 70-196.J(1)(i) to install non-uniform wall signs was **GRANTED**, and a decision was rendered by the Board on September 3, 2014, and a written application to amend this decision was received; therefore, at a meeting of the Board held on **APRIL 1, 2015**, the appeal in the above entitled matter was amended as follows:

**GRANTED**, with respect to the conditional use (14-104667) and with respect to the variances from sections 70-196.J(1)(a), 70-196.J(1)(b), 70-196.J(1)(f), and 70-196-J(1)(i), for certain sign applications (14-102093 and 14-102096) of the dimension and in the location shown on drawings prepared by Stout Sign Co., dated February 18, 2014 and revised through April 2, 2014; but **DENIED** with respect to the variances sought for the sign facing south (14-102094); **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER.**

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

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

  
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# Board of Zoning Appeals

## Town of North Hempstead

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Rider to Appeal # 19823 Page 1 of 2

BDG Garden City Park, LLC

SW/cor. 2350 Jericho Tpke. & County Courthouse Ave., Garden City Park

Section: 33 Block: 531 Lot: 86

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 80 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.

# **Board of Zoning Appeals**

## **Town of North Hempstead**

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**Rider to Appeal # 19823 Page 2 of 2**

**BDG Garden City Park, LLC**

**SW/cor. 2350 Jericho Tpke. & County Courthouse Ave., Garden City Park**

**Section: 33 Block: 531 Lot: 86**

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.
  
8. That the food use herein shall constitute a "bar and grill" restaurant for the purposes of the parking requirement outlined in § 70-103.A of the Code, despite having a menu board displayed.