

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 #19975 - Michael Chen, variance 70-47.1.D to permit the subdivision of a lot with insufficient width; E/side #106 Udall Dr., 200' N/of Summer Ave., Great Neck, Sec. 2, Blk. 117, Lots 36, R-C District.

WHEREAS, applications (14-110691, 14-110692) 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 **MAY 6, 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 Paul Russo, R.A., dated December 2014.

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

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



JONATHAN P. FIELDING
SECRETARY

THIS IS NOT A BUILDING PERMIT

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NOTICE OF DECISION

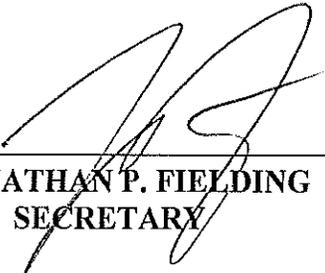
APPEAL #19978 - Andrea D'Amico, variances 70-51.A and 70-100.1.B to maintain a rear addition and brick wall with insufficient side yards; N/side 17 Lewis Ln., 460.23' E of Glen Ln., Port Washington, Sec. 5, Blk. 165, Lot 7, R-C District.

WHEREAS, an application (15-102370) 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 **MAY 6, 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 Alberto, R.A., dated January 9, 2015, and a survey prepared by Frank Galluzzo, P.L.S., dated October 7, 2014.

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, Chairman Mammina
Absent: Member Levine



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APPEAL #19979 - Michael John Higgins, variance 70-100.2.A(4)(b) to maintain fencing beyond the front building line; S/side 2 Bogart Ave., 94327' E/of Port Washington Blvd., Port Washington, Sec. 6, Blk. 1, Lot 39, R-A District.

WHEREAS, an application (15-102069) 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 **MAY 6, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location as shown a survey prepared by Robert A. Haynes, P.L.S., dated February 1, 1999, as annotated by the applicant and received by the Board on March 20, 2015.

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

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



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APPEAL #19959 - Reynaldo Cubillos, variances 70-100.2.A(4), 70-100.2.A(4)(a)[5], 70-100.2.A(4)(b) & 70-101.B to maintain fences exceeding permitted height and an open porch in a required front yard; S/side. #218 Roslyn Ave., 250' E/of Jamaica Blvd., Carle Place, Sec. 10, Blk. 6, Lot 15, R-C District.

WHEREAS, an application (15-100825) was filed with the Board of Zoning Appeals, a public hearing was held following due notice, at a meeting of the Board held on **MAY 6, 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 Dennis M. Mele, R.A., dated April 29, 2014 and revised through December 1, 2014 and a survey prepared by Apolonio Q. Agujo, P.L.S., dated April 25, 2014.

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

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



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NOTICE OF DECISION

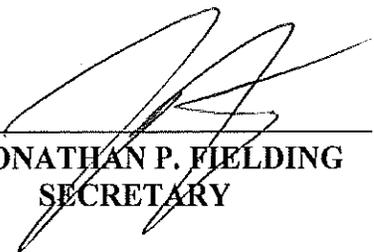
APPEAL #19984 – Ardcore, LLC(Applicant)/Brixmor SPE 6 LLC(Owner), variances 70-103.A and 70-208.F to convert retail space to a gymnasium with insufficient off-street parking; E/side #215D Glen Cove Rd., 184.08' S/of Westbury Ave., Carle Place, Sec. 10, Blk. N, Lot 239, I-B District.

WHEREAS, an application (15-101511) 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 **MAY 6, 2015**, the appeal in the above entitled matter was decided as follows:

IT IS HEREBY DETERMINED, that the site plan prepared by Luigi Gileno, R.A., dated February 25, 2015 provides 391 spaces where 438 spaces are required under §70-103.A; and further, the relief requested herein is **GRANTED**, of the dimension and in the location shown on drawings prepared by Luigi Gileno, R.A., dated February 25, 2015.

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, Chairman Mammìna
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19916.A - 138 Plandome LLC, conditional use 70-139.A and variances 70-103.A.1 & 70-103.F.1 to permit the expansion of a food use into a retail space with insufficient parking and loading; NE/corner #138 Plandome Rd. and George St., Manhasset, Sec. 3, Blk. 81, Lot 101, B-B District.

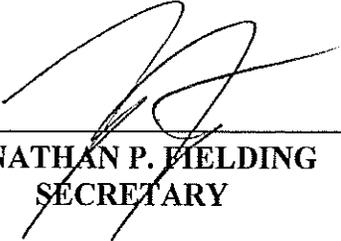
WHEREAS, an application (14-109944) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and whereas, a review was undertaken pursuant to the State Environmental Quality Review Act and the Board of Zoning Appeals hereby establishes itself as Lead Agency and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts; at a meeting of the Board held on **MAY 6, 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 John A. Notaro, R.A., dated May 2014 and revised through February 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: Vice Chairman McCarthy Seconded by: Member Aloe
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy, Chairman Mammina
Absent: Member Levine



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19916.A

138 Plandome LLC

NE/corner #138 Plandome Rd. and George St., Manhasset

Section: 3 Block: 81 Lot: 101

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 **36** 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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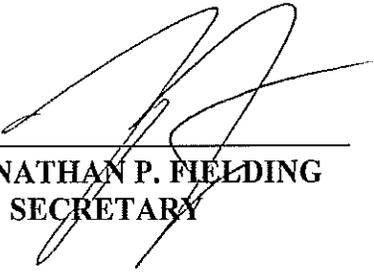
APPEAL #19916.B - 124 Plandome LLC, variances 70-144, 70-103.A.1, 70-103.F.1, 70-146.A & 70-208.F to construct a second-story addition to a non-conforming building in a required rear yard exceeding the permitted lot coverage with insufficient parking and loading zones; SE/corner #124 Plandome Rd. and George St., Manhasset, Sec. 3, Blk. 83, Lot 1, B-B District.

WHEREAS, an application (14-109946) 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 **MAY 6, 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 A. Notaro, R.A., dated May 2014 and revised through February 2015.

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

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



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AMENDED NOTICE OF DECISION

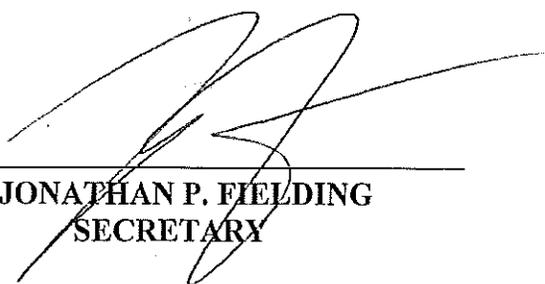
APPEAL #19550.A - Laura Baccaray, renewal of conditional use 70-35.A, and variances 70-40.B, 70-40.C, and 70-42 to construct additions and alterations within required front and rear yards for conversion of a single family dwelling to a mother-daughter use; N/W/cor. #2 Peachtree La., & Twelfth St., Carle 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 and after a public hearing, at a meeting of the Board held on March 4, 2015, the matter was renewed; upon a further written application to amend this decision, at a meeting of the Board held on MAY 6, 2015, the matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by John M. Schimenti, R.A., dated December 19, 2012 and revised through April 6, 2015.

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

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



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