

# 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

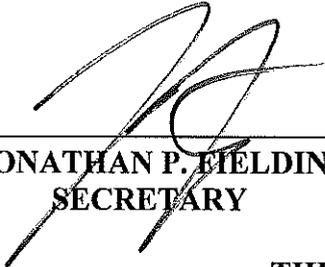
**APPEAL #19986 – Joyce Chaisson**, variance 70-50.A to maintain an enclosed porch and stoop within a required front yard setback; SW/cor. #256-18 Pembroke Ave. & Westminster Rd., Great Neck, Sec. 2, Blk. 56, Lots 17, R-C District.

**WHEREAS**, an application (15-102832) 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 20, 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 Malcolm M. Shaw, L.L.S., dated June 5, 2012.

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 Francis, Member Aloe, Vice Chairman McCarthy,  
Chairman Mammina

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

**THIS IS NOT A BUILDING PERMIT**

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### NOTICE OF DECISION

**APPEAL #19987 – Harry Zuvekas**, variance 70-32 to maintain a deck with an insufficient rear yard setback; E/side #67 Sherry Hill Ln., 357' S/of Payne Whitney Ln., Manhasset, Sec. 3, Blk. 160, Lots 177, R-A District.

**WHEREAS**, an application (15-102417) 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 20, 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 Glavas, R.A., dated March 20, 2013 and revised through February 24, 2015, and a survey prepared by Albert W. Tay, L.L.S., dated January 21, 2013, **SUBJECT TO THE CONDITION THAT** the property owner maintain evergreen plantings, also installing replacement plantings as necessary, sufficient to screen the deck from the adjacent properties.

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 Mammìna

  
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### **NOTICE OF DECISION**

**APPEAL #19990 - Christine Stampfel**, variances 70-100.1.B, 70-101.B, and 70-208.F to maintain a portico on a non-conforming dwelling in a required front yard and an accessory structure (shed) in a required side yard setback; N/side 208 Aster Dr., 240' W/of Tryon Ct., New Hyde Park, Sec. 8, Blk. 302, Lot 31, R-B District.

**WHEREAS**, an application (15-102770) 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 20, 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 Anthony J. Febrizio, R.A., dated October 4, 2014 and revised through February 6, 2015 and a survey prepared by Vincent Teutonico, L.L.S., dated June 4, 2013 with respect to the variances sought from 70-101.B and 70-208.F. With respect to the variance sought from 70-100.1.B, the matter is continued until June 24, 2015.

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 Francis, Member Aloe, Vice Chairman McCarthy,  
            Chairman Mammìna

  
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## NOTICE OF DECISION

**APPEAL #19991 – Michael Russo**, variances 70-102.C(5)(a), 70-102.C(2), 70-102.C(1) & 70-100.1.A to construct an in-ground pool and accessory structures in a side yard with insufficient setback, & required pool fencing forward of the rear building line; SW/cor./of #2 Corn Crib Ln. & Hayloft Ln, Roslyn Heights, Sec. 7, Blk. 192, Lots 7, R-AA District.

**WHEREAS**, an application (15-102694) 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 20, 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 Joseph M. Bello, R.A., dated March 16, 2015, **SUBJECT TO THE CONDITION THAT** the property owner maintain the landscaping depicted in these drawings, also installing replacement plantings as necessary.

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,  
Chairman Mammia

  
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### NOTICE OF DECISION

**APPEAL #19843 - Iris Trejo Ruiz**, variance 70-50.C, 70-101.B and 70-100.2.A(2) to maintain a breezeway within a required front yard setback, an open porch exceeding the permitted encroachment into a front yard and fencing beyond the front building line; W/side 227 Wright St., 275' S/of Broadway, Westbury, Sec. 11, Blk. 40, Lot 40, R-C/New Cassel Overlay Districts.

**WHEREAS**, an application (14-109944) 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 **MAY 20, 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 Vladimir Constant, P.E., dated May 29, 2013 and a survey prepared by Christopher M. Buckley, L.L.S., dated March 14, 2014, **SUBJECT TO THE CONDITION THAT** the variance from 70-100.2.A(2) applies only to the existing three foot high, estate-style, decorative wrought iron fence and that this fence shall be maintained by the property owner.

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, Chairman Mammìna  
Absent:        Vice Chairman McCarthy

  
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**APPEAL #19994 - Chabad of Roslyn Inc.**, variances 70-48, 70-49.B, 70-51.C, 70-52, 70-52.3.A, 70-52.3.B, 70-103.A to construct a second story addition to a religious structure exceeding the permitted lot coverage, and floor area within required side and rear yard setbacks, encroaching within the required sky exposure plane and with insufficient parking; N/side #75 Powerhouse Rd., 60.22' W/of Coolidge Ave., Roslyn Heights, Sec. 7, Blk. 47, Lots 30 & 851, B-A/R-C Districts.

**WHEREAS**, an application (14-100588) 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 20, 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 Robert Bahary, R.A., dated April 18, 2014 and revised through September 12, 2014, **SUBJECT TO THE CONDITION THAT** the temporary trailers now present on the property be removed by the property owner.

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,  
                    Chairman Mammina

  
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### NOTICE OF DECISION

**APPEAL #19996 – JMP Investments, LLC**, conditional use 70-225.B(7)(a) to modify kitchen equipment in a restaurant; E/side 118 Plandome Rd, 23.31' S/of George St., Manhasset, Sec. 3, Blk. 83, Lot 2, B-A District.

**WHEREAS**, an application (15-103233) 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 20, 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 November 18, 2014 and revised through March 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 Levine, Member Francis, Member Aloe, Vice Chairman McCarthy,  
                    Chairman Mammìna

  
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# Board of Zoning Appeals

## Town of North Hempstead

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Rider to Appeal # 19996

JMP Investments, LLC

E/side 118 Plandome Rd., 23.31' S/of George St., Manhasset

Section: 3 Block: 83 Lot: 2

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 65 seats on the premises (40 seats at tables and 25 bar stools). 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 #19961 - Plandome Realty, LLC**, variance 70-103.A to convert retail space to a gymnasium with insufficient parking; W/side 609 Plandome Rd., 113.02' N/of Colonial Pkwy., Manhasset, Sec. 3, Blk. 28, Lot 298, B-A District.

**WHEREAS**, an application (14-111322) 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 20, 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 Anthony S. DiProperzio, R.A., dated August 20, 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 Francis, Member Aloe, Vice Chairman  
            McCarthy, Chairman Mammìna

  
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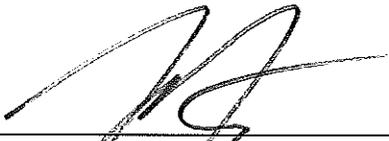
**APPEAL #19973 – Jean Antilus**, conditional use 70-126.F to permit the conversion of retail space into a bakery; NE/cor #817 Prospect Ave. and Sherman St., Westbury, Sec. 11, Blk. 104, Lot 222, B-A District.

**WHEREAS**, an application (15-101471) 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 20, 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 Vincent McCray, R.A., dated April 22, 2014 and revised through December 15, 2014.

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,  
            Chairman Mammina

  
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