

Chairman
David L. Mammina, A.I.A.

Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
Patricia A. Goodsell, Esq.

Town of North Hempstead



Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
(516) 869-7667
Fax (516) 869-7812

CALENDAR FOR JUNE 16, 2021

RESIDENTIAL CALENDAR

APPEAL #21064 - Sally Kunitsa; 20 Covert Street, Port Washington; Section 5, Block 51, Lot 31; Zoned: Residence-C

Variance from §70-101.H to install 2 A/C units in the secondary front yard that are too close to the street.

APPEAL # 21065 – Maria Vezza; 19 Charles Street, Port Washington; Section 5, Block 43, Lot 34; Zoned: Residence C

Variances §§ 70-209.A, 70-49.A, 70-51.A, 70-52.3, & 70-52.5 to construct a new home (where 50% of the exterior structure and interior floor system of the existing home is being removed) on a non-conforming foundation that is too close the street, too close to a side property line, not in compliance with the height to setback ratio, and too much front yard paving.

APPEAL # 21066 - Theodore Klumpp, Jr.; 42 Highland Avenue, Port Washington; Section 6, Block 9, Lot 39; Zoned: Residence C

Appeal for determination, or in the alternative variances 70-100.1(A) & 70-100.1(B) to legalize brick planters that are too close to the rear and side property lines and to legalize brick planters and a raised patio covering too much of the rear yard.

APPEAL # 21067 – Jia Ying Li; 32 Dail Street, New Hyde Park; Section 9, Block 81, Lot 32; Zoned: Residence C

Variance § 70-101(B) to legalize a raised terrace too close to a street.

APPEAL #21054 - North Hempstead Housing Authority; 252 Grand Street, Westbury; Section 11, Block 503, Lot 52; Zoned: Senior Residence/New Cassel Renewal Overlay District

Appeal for determination or in the alternative, variances from §§70-100.2(A)(2), 70-100.2(A)(4) and §70-100.2(A)(4)(a)(1-5) to erect fencing in a front yard and a variance from §70-196.D for ground signs that are larger than permitted and exceeding the permitted number of institutional identification signs.

COMMERCIAL CALENDAR

APPEAL #21060 – LIDL US, LLC; 2475 Jericho Turnpike, Garden City Park; Section 9, Block 612, Lot 51; Zoned Business A

Conditional Use §70-126.F to construct interior alterations for a new retail grocery store (a conditional use).

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NOTICE OF DECISION

APPEAL #21054 - North Hempstead Housing Authority; 252 Grand Street, Westbury; Section 11, Block 503, Lot 52; Zoned: Senior Residence/New Cassel Renewal Overlay District

Appeal for determination or in the alternative, variances from §§70-100.2(A)(2), 70-100.2(A)(4) and §70-100.2(A)(4)(a)(1-5) to erect fencing in a front yard and a variance from §70-196.D for ground signs that are larger than permitted and exceeding the permitted number of institutional identification signs.

Whereas, an application (21-101977, 21-101978, 21-101979, 21-101980, 21-104722) 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 **June 16, 2021**, the appeal in the above entitled matter was decided as follows:

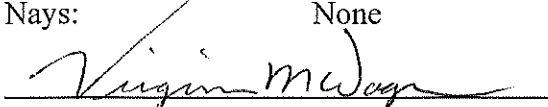
GRANTED of the dimension and in the location as shown on drawings prepared by Timothy John Costello, R.A. dated February 9, 2018 and revised through September 10, 2018 (Proposed Site Landscape Plan LA-1 and LA-1.1), on plans prepared by Timothy John Costello, R.A. dated February 9, 2018 and revised through September 6, 2018 (Plan, Elevation & Section of Signage) and on a sign drawing prepared by Berkshire Sign Studio (undated). The request for a determination to review the Notice of Disapproval was **WITHDRAWN** by the applicant during the hearing.

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

Motioned by: Vice Chairman Francis Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

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NOTICE OF DECISION

APPEAL #21060 – LIDL US, LLC; 2475 Jericho Turnpike, Garden City Park; Section 9, Block 612, Lot 51; Zoned Business A

Conditional Use §70-126.F to construct interior alterations for a new retail grocery store (a conditional use).

Whereas, an application (21-102601) 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 Town Board established itself as "Lead Agency" and determined that this Unlisted Action will not result in any significant adverse environmental impacts; at a meeting of the Board held on **June 16, 2021**, 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 Chelsea L. Rawson, R.A. dated June 18, 2020 (A101-A102) and on drawings prepared by Christopher W. Robinson, P.E. dated August 2, 2016 and revised through April 19, 2021 (Alignment Plan) **SUBJECT TO THE FOLLOWING CONDITIONS AND THE CONDITIONS CONTAINED IN THE ATTACHED RIDER:**

1. *The applicant shall install gates which restrict access to the loading area behind the building as shown on drawings prepared by Christopher W. Robinson, P.E. dated August 2, 2016 and revised through April 19, 2021 (Alignment Plan). These gates shall remain closed between the hours of 10:00PM and 8:00AM seven (7) days per week. No loading or unloading activities shall take place during these hours.*
2. *The applicant shall erect a sound barrier wall along the entire length of the rear loading area as shown on drawings and specifications prepared by Christopher W. Robinson, P.E. dated August 2, 2016 and revised through April 19, 2021 (Alignment Plan).*

SEE ATTACHED RIDER

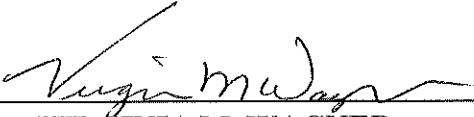
THIS IS NOT A BUILDING PERMIT

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

Motioned by: Member Goodsell Seconded by: Member Donatelli

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None



VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21060

APPEAL #21060 – LIDL US, LLC; 2475 Jericho Turnpike, Garden City Park; Section 9, Block 612, Lot 51; Zoned Business A

Conditional Use §70-126.F to construct interior alterations for a new retail grocery store (a conditional use).

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. All pick-up of sanitation shall be performed after 8:00 a.m.
2. That all exterior doors (with the exception of the primary customer entrance door) shall be of solid construction in a 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 the number of seats on the premises exceed 0 as depicted on the drawings prepared by Chelsea L. Rawson, R.A. dated June 18, 2020 (A101-A102) and on drawings prepared by Christopher W. Robinson, P.E. dated August 2, 2016 and revised through April 19, 2021 (Alignment Plan). 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, if applicable, 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 §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:
 - [1]. an increase in the size of an approved kitchen by 20% of floor area of said kitchen, or 250 square feet, whichever is less, inclusive of prep areas, is proposed.

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[2]. The addition or removal of counter/kiosk service for the placement of a food order.

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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The live Zoom meeting can be accessed at: <https://us02web.zoom.us/j/86519188419> or via phone at +1 929 436 2866 or +1 312 626 6799 or +1 301 715 8592 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 using webinar ID: 865 1918 8419. Additionally, the public may view the live stream of this meeting at <https://northhempsteadny.gov/townboardlive>.

Should you wish to participate in an appeal hearing, please register in advance by sending an email to bzadept@northhempsteadny.gov no later than Friday, June 11, 2021. Please include your first and last name, street address, email address, any prepared written comments/questions and the appeal number you wish to be heard on. Comments will be limited to 3 minutes per speaker. Members of the public can email written comments or questions addressed to the Board. Written comments must be received 60 minutes prior to the meeting. Questions and/or comments which are timely submitted will be accepted and made a part of the record.