

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 AUGUST 11, 2021

10:00 AM

RESIDENTIAL CALENDAR

APPEAL #21081 - Jeremy Woo; 165 Aldershot Lane, Manhasset; Section 3, Block 231, Lot 4; Zoned: Residence-A

Appeal for determination, or in the alternative, variance from §70-29.C(1) and variance from §70-32.4 to construct a new dwelling that is too large with a slope to the attached garage that is steeper than permitted.

APPEAL #21082 – Annette Kasle; 25 Briarcliff Dr., Port Washington, Section 5, Block 118, Lot 747; Zoned Residence-B

Variance § 70-39.C to construct additions that are too large.

APPEAL #21072 - Heidi Davis; 10 Hampton Court, Port Washington; Section 5, Block 134, Lot 306; Zoned: Residence-A

Variance from §70-100.2(D) to construct an outdoor fireplace that is too tall.

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 #21073 – Christopher & Rachel Cosolito; 12 Plymouth Road, Port Washington, Section 6, Block 45, Lot 113; Zoned Residence-B

Variance §70-101.B to construct a front porch that is too close to a street.

APPEAL #21083 – Vijay Seetheram; 239 Hillturn Ln., Roslyn Heights, Section 7, Block M08, Lot 84; Zoned Residence-B

Variances §§ 70-40.C, 70-41 & 70-208.F to construct a portico too close to the street, and to construct additions with total side yards which are too small on a non-conforming home.

APPEAL #21084 – James Messina; 50 Van Nostrand Ave., Roslyn Heights, Section 7, Block 17, Lot 115; Zoned Residence-C

Variances §§ 70-100.2.A(4), 70-100.2.H to legalize a fence that is too tall and to legalize an air conditioning unit located too close to a side property line.

APPEAL #21085 - Lewis Giannopoulos; 22 Irving Lane, New Hyde Park; Section 8, Block K-4, Lot 17; Zoned Residence-C

Variances from §§70-50.C and 70-52.3 to legalize a new single-family dwelling that is within the sky exposure plane and to legalize a portico that is located too close to the street.

APPEAL #21095 – Nitush Majumdar; 172 Willis Avenue, Floral Park; Section 8, Block 90, Lot 30; Zoned Residence-C

Variances from §§70-52.5, 70-51.H and 70-100.2.A(4) to construct a wheelchair ramp that would exceed permitted front yard paving, a cellar staircase located too close to a side property line, and fencing that is too tall.

APPEAL #21086 – Maria Pappas; 26 Joy Dr., New Hyde Park, Section 8, Block 270, Lot 43; Zoned Residence-A

Variance §70-202.1(C) to construct a retaining wall taller than permitted.

APPEAL #21087 – Jonathan Owhe; 360 Grand Street., Westbury, Section 11, Block 1, Lot 33; Zoned Residence-C & New Cassel Overlay District

Variances §§70-195.16.B.2, 70-195.16.B.3, & 70-195.16.C.1 to renovate and legalize a cellar bathroom with more than two fixtures and with plumbing lines to the shower (3rd fixture), and to legalize exterior cellar stairs.

2:00 PM

COMMERICAL CALENDAR

APPEAL #21089 - Kissaki Manhasset, LLC; 407 & 411 Plandome Road, Manhasset; Section 3, Block 138-02, Lot 821; Zoned: Business-A

Variance from §70-103.A(1) and a conditional use §70-126.A to construct interior alterations to expand an existing restaurant (a conditional use) into a retail space with not enough parking on site.

APPEAL #21090 – Manhasset Bay Yacht Club; 455 Main Street., Port Washington, Section 5, Block C, Lots 9, 16, 408 & 427; Zoned Waterfront Business (B-W)

Variances §§ 70-103.A & 70-148.16 to construct a paddle tennis court with not enough parking and to construct fences that are too tall.

APPEAL #21091 – The Nassau Cemetery Association; 500 Port Washington Blvd., Port Washington, Section 5, Block J, Lot 702; Zoned Residence-C

Appeal for determination or in the alternative a variance §70-44 to construct an extension to a mausoleum which is not a permitted use.

APPEAL #21092 - 679 Port Washington Blvd., LLC (Alma Bank); 679 Port Washington Boulevard, Port Washington; Section 6, Block 2, Lot 277; Zoned: Business-A

Variances §§ 70-203(T)(2)(j), 70-203(T)(2)(a)[2], & 48-11.1(B) to construct a new bank with a drive-through bypass lane that interferes with internal circulation of the site, an outbound vehicle space partially located off-site, and an outbound vehicle space partially located on a sidewalk.

APPEAL #21093 - Brian Degaray; 81 Seaview Boulevard, Port Washington; Section 6, Block 89, Lot 62; Zoned: Modified Planned Industrial Park

Conditional use 70-184.3(A) and variance from 70-103.A to construct interior alterations to an existing building to create a skating rink (a conditional use) with not enough parking on site.

APPEAL #21079 – Dos Toros NHP, LLC; 1624 Marcus Avenue, New Hyde Park, Section 8, Block 302, Lot 27; Zoned Business-A

Conditional Use §70-126(A) to construct interior alterations to construct a new restaurant.

APPEAL #21094 - New Cingular Wireless PCS, LLC; E/side Herricks Road, North of Center Street, Garden City Park; Section 9, Block 641, Lot 48C; Zoned: Residence-C

Variances from §§75-7.C(6) and 75-7.C(7) to construct a generator that is not enclosed with removal of landscaping at that location without replacement.

APPEAL #20987 – Vigliotti Enterprises LLC; 100 Urban Avenue, Westbury; Section 11, Block 178, Lot 82; Zoned Industrial-B

Variances from §§70-103.A, 70-103.B, 70-103.M, 70-192.A, 70-203.J, & 70-212.B to legalize the change of use to a yard waste transfer facility having less parking than required, parking spaces smaller than required, parking spaces within a required front yard, a building constructed too close to the street(s), a vehicular access gate located too close to the street, and an outdoor storage area located too close to the street.

Town of North Hempstead

Chairman
David L. Mammìna, A.I.A.



Members
Leslie Francis, Esq.
David I. Levine, Esq.
Daniel Donatelli, Esq.
Jay Hernandez

Board of Zoning Appeals

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

TO: TOWN CLERK
FROM: Virginia M. Wagner, Secretary to the Board
CC: Building Dept.
DATE: August 17, 2021
RE: BZA Decisions for August 11, 2021

Appeal No.	Name	Sec.	Blk.	Lots
21071	Glen Bruno	5	104	152
21073	Christopher & Rachel Cosolito	6	45	113
21079	Dos Toros NHP, LLC	8	302	27
21082	Annette Kasle	5	118	747
21083	Vijay Seetheram	7	M08	84
21084	James Messina	7	17	115
21086	Maria Pappas	8	270	43
21089	Kissaki Manhasset LLC	3	132-08	821
21093	Brian Degaray	6	89	62
21095	Nitush Majumdar	8	90	30

1700 PM TOWN CLERK
AUG 17 2021

Town of North Hempstead

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



Members
Leslie Francis, Esq.
David I. Levine, Esq.
Daniel Donatelli, Esq.
Jay Hernandez

Board of Zoning Appeals

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TO: TOWN CLERK
FROM: Virginia M. Wagner, Secretary to the Board
CC: Building Dept.
DATE: August 17, 2021
RE: Amended BZA Decisions for August 11, 2021 (originally decided on July 14, 2021)

Appeal No.	Name	Sec.	Blk.	Lots
21074	Anu Samuel	7	98	135

APPROVED BY TOWN CLERK
DATE: 8/17/21

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

Vice Chairman
Leslie Francis, Esq.

Members
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Jay Hernandez
Patricia A. Goodsell, Esq.

Town of North Hempstead



Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21071 - Glen Bruno; 11 Kennworth Road, Port Washington; Section 5, Block 104, Lot 152; Zoned Residence-B.

Variance from §70-100.2(K) to install a gas generator in the front yard.

Whereas, an application (21-104047) 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 **August 11, 2021**, 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 Frank L. Galluzzo, L.S. dated December 19, 1999 *as annotated by the applicant*.

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

Motioned by: Vice Chairman Francis Seconded by: Member Hernandez

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

Nays: None

Absent: Member Donatelli

Michael A. Lennie For:

VIRGINIA M. WAGNER
SECRETARY

2021 AUG 12 PM 2:00
TOWN OF NORTH HEMPSTEAD

THIS IS NOT A BUILDING PERMIT

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

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NOTICE OF DECISION

APPEAL #21073 – Christopher & Rachel Cosolito; 12 Plymouth Road, Port Washington, Section 6, Block 45, Lot 113; Zoned Residence-B

Variance §70-101.B to construct a front porch that is too close to a street.

Whereas, an application (21-104075) 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 **August 11, 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 Janice Lynn Miller, R.A. dated June 5, 2020 and revised through July 27, 2021.

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

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Michael A. Levine For:

VIRGINIA M. WAGNER
SECRETARY

RECEIVED TOWN CLERK
AUG 13 2021

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

Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
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Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21079 – Dos Toros NHP, LLC; 1624 Marcus Avenue, New Hyde Park, Section 8, Block 302, Lot 27; Zoned Business-A

Conditional Use §70-126(A) to construct interior alterations to construct a new restaurant.

Whereas, an application (21-104350) 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 **August 11, 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 Joseph A. Deal, P.E. dated February 22, 2021 and revised though April 9, 2021 (Site Plan) and on drawings prepared by Robert J. Sargenti, Jr., R.A. (Floor Plans) dated October 11, 2019 and revised through February 13, 2020 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

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

Motioned by:	Member Goodsell	Seconded by: Vice Chairman Francis
Ayes:	Member Goodsell, Member Hernandez, Vice Chairman Francis, Chairman Mammina	
Nays:	None	
Absent:	Member Donatelli	

Michael A. Levine For:

VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21079

APPEAL #21079 – Dos Toros NHP, LLC; 1624 Marcus Avenue, New Hyde Park, Section 8, Block 302, Lot 27; Zoned Business-A

Conditional Use §70-126(A) to construct interior alterations to construct a new restaurant.

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 **65** as depicted on the drawings prepared by Robert J. Sargenti, Jr., R.A. dated October 11, 2019 and revised through February 13, 2020. 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.
 - [2]. The addition or removal of counter/kiosk service for the placement of a food order.

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APPROVED
BY THE BOARD OF ZONING APPEALS
ON 10/11/2021

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.

2025 JAN 10 AM 10:10
CITY OF BOSTON

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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
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(516) 869-7667
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NOTICE OF DECISION

APPEAL #21082 – Annette Kasle; 25 Briarcliff Dr., Port Washington, Section 5, Block 118, Lot 747; Zoned Residence-B

Variance § 70-39.C to construct additions that are too large.

Whereas, an application (21-104679) 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 **August 11, 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 Leonard T. Kurkowski, R.A. dated November 2020 and revised through May 21, 2021.

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

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Michael A. Levine FOR:

VIRGINIA M. WAGNER
SECRETARY

2021 AUG 11 PM 4:00
BY: [illegible]

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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

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NOTICE OF DECISION

APPEAL #21083 – Vijay Seetheram; 239 Hillturn Ln., Roslyn Heights, Section 7, Block M08, Lot 84; Zoned Residence-B

Variances §§ 70-40.C, 70-41 & 70-208.F to construct a portico too close to the street, and to construct additions with total side yards which are too small on a non-conforming home.

Whereas, an application (21-104870) 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 **August 11, 2021**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-40.C and **GRANTED** with respect to the variances sought under §§ 70-41 & 70-208.F of the dimension and in the location as shown on drawings prepared by Giuseppe R. Adragna, R.A. dated May 6, 2021.

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

Motioned by:	Member Hernandez	Seconded by: Member Donatelli
Ayes:	Member Goodsell, Member Hernandez, Member Donatelli, Vice Chairman Francis	
Nays:	None	
Absent:	Chairman Mammina	

Michael A. Lennie For:

VIRGINIA M. WAGNER
SECRETARY

RECD. BY TOWN CLERK
JUN 17 2021 4:05

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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
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NOTICE OF DECISION

APPEAL #21084 – James Messina; 50 Van Nostrand Ave., Roslyn Heights, Section 7, Block 17, Lot 115; Zoned Residence-C

Variances §§ 70-100.2.A(4), 70-100.2.H to legalize a fence that is too tall and to legalize an air conditioning unit located to close to a side property line.

Whereas, an application (21-104958) 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 **August 11, 2021**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-100.2.A(4) and **GRANTED** with respect to the variance sought under § 70-100.2.H of the dimension and in the location as shown on drawings prepared by Bernard G. Rodgers, R.A. dated April 12, 2021 and on a survey prepared by Ramzan Alli, L.S. dated March 9, 2021.

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Michael A. Lennie For:

VIRGINIA M. WAGNER
SECRETARY

FILED IN THE CLERK'S OFFICE
TOWN OF NORTH HEMPSTEAD
AUGUST 11, 2021

THIS IS NOT A BUILDING PERMIT

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

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NOTICE OF DECISION

APPEAL #21086 – Maria Pappas; 26 Joy Dr., New Hyde Park, Section 8, Block 270, Lot 43; Zoned Residence-A

Variance §70-202.1(C) to construct a retaining wall taller than permitted.

Whereas, an application (21-103064) 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 **August 11, 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 Michael J. Rant, P.E. dated December 3, 2020.

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Michael A. Lennie For:

VIRGINIA M. WAGNER
SECRETARY

APPROVED BY TOWN CLERK
10/11/21 10:00 AM

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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

NOTICE OF DECISION

APPEAL #21089 - Kissaki Manhasset, LLC; 407 & 411 Plandome Road, Manhasset; Section 3, Block 138-02, Lot 821; Zoned: Business-A

Variance from §70-103.A(1) and a conditional use §70-126.A to construct interior alterations to expand an existing restaurant (a conditional use) into a retail space with not enough parking on site.

Whereas, an application (21-104510) 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 **August 11, 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 Anthony S. DiProperzio, R.A. dated December 3, 2020 and revised through April 22, 2021 and on drawings prepared by John P. Ferrantello, L.S. dated November 1, 2007 and revised through March 2, 2008 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

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

Motioned by:	Member Hernandez	Seconded by: Member Donatelli
Ayes:	Member Goodsell, Member Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammina	
Nays:	None	

Michael A. D'Amico For:

VIRGINIA M. WAGNER
SECRETARY

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FILED BY TOWN CLERK
AUG 17 2021

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21089

**APPEAL #21089 - Kissaki Manhasset, LLC; 407 & 411 Plandome Road, Manhasset;
Section 3, Block 138-02, Lot 821; Zoned: Business-A**

Variance from §70-103.A(1) and a conditional use §70-126.A to construct interior alterations to expand an existing restaurant (a conditional use) into a retail space with not enough parking on site.

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 66 as depicted on the drawings prepared by Anthony S. DiProperzio dated December 3, 2020 and revised through April 22, 2021. 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:
 - [3]. 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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FILED IN DIV 2 EXK
PUBLISHED 10/20/20

[4]. 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.

FILED IN: JUNE 2, 2015
BY: [illegible]

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Chairman
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Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
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Town of North Hempstead



Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
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NOTICE OF DECISION

APPEAL #21093 - Brian Degaray; 81 Seaview Boulevard, Port Washington; Section 6, Block 89, Lot 62; Zoned: Modified Planned Industrial Park
Conditional use 70-184.3(A) and variance from 70-103.A to construct interior alterations to an existing building to create a skating rink (a conditional use) with not enough parking on site.

Whereas, an application (21-102034, 21-102035) 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 **August 11, 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 Carlo M. Zaskorski, R.A. dated July 7, 2020 and revised through March 19, 2021.

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

Motioned by:	Member Goodsell	Seconded by: Member Hernandez
Ayes:	Member Goodsell, Member Hernandez, Vice Chairman Francis, Chairman Mammina	
Nays:	None	
Absent:	Member Dontaelli	

Michael A. Levine

VIRGINIA M. WAGNER
SECRETARY

APPROVED BY TOWN CLERK
2021 JUL 21 10:00AM

THIS IS NOT A BUILDING PERMIT

Chairman
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Vice Chairman
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Fax (516) 869-7812

NOTICE OF DECISION

APPEAL #21095 – Nitush Majumdar; 172 Willis Avenue, Floral Park; Section 8, Block 90, Lot 30; Zoned Residence-C

Variances from §§70-52.5, 70-51.H and 70-100.2.A(4) to construct a wheelchair ramp that would exceed permitted front yard paving, a cellar staircase located too close to a side property line, and fencing that is too tall.

Whereas, an application (21-102034, 21-102035) 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 **August 11, 2021**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-100.2.A(4) and **GRANTED** with respect to the variances sought under §§70-52.5 and 70-51.H of the dimension and in the location as shown on drawings prepared by John Imhoff, R.A. dated February 12, 2021 and revised through June 14, 2021.

IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

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

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Michael A. Lennie For

**VIRGINIA M. WAGNER
SECRETARY**

THIS IS NOT A BUILDING PERMIT

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21095

APPEAL #21095 – Nitush Majumdar; 172 Willis Avenue, Floral Park; Section 8, Block 90, Lot 30; Zoned Residence-C

Variances from §§70-52.5, 70-51.H and 70-100.2.A(4) to construct a wheelchair ramp that would exceed permitted front yard paving, a cellar staircase located too close to a side property line, and fencing that is too tall.

The Board finds the applicant has submitted sufficient evidence to support why this application should be given special consideration under the Americans with Disabilities Act 28 C.F.R. § 35. Pursuant to § 35.130(b)(7), local governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability.

Given the above, the board grants the relief requested under §§70-52.5 and 70-51.H to install a wheelchair ramp in the front yard which exceeds the permitted amount of front yard paving and to install a cellar staircase located too close to the property line, as a reasonable modification to the zoning code in order to accommodate the disability of the applicant's child. With respect to the relief requested under §70-100.2.A(4), to install fencing that is too tall, the Board finds that the exact same objective being sought by the applicant for privacy may be achieved by planting shrubbery without the need for a variance.

2020 MAY 14 PM 3:24
TOWN OF NORTH HEMPSTEAD

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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
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NOTICE OF AMENDED DECISION

APPEAL #21074 - Anu Samuel; 40 Deepdale Parkway, Albertson, Section 7, Block 98, Lot 135; Zoned: Residential-B

Variance from §70-100.2(A) to erect fencing within a front yard.

Whereas, an application (21-104090) 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 **July 14, 2021**, (and further **AMENDED** at a meeting held on **August 11, 2021**) 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 John P. Ferrantello, L.S. dated September 3, 2004 *as annotated by the applicant and as amended by the Board (and as further amended by the Board at a meeting held on August 11, 2021)* **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. *The applicant shall install an estate style fence as shown on a survey prepared by John P. Ferrantello, L.S. dated September 3, 2004 as annotated by the applicant and as amended by the Board (and as further amended by the Board at a meeting held on August 11, 2021)*
2. *Arborvitae shall be planted in front of the fence (outside of fence) to screen the fence from view. Irrigation shall be provided in a manner sufficient to maintain the continued health of the arborvitae.*
3. *This variance shall lapse and no longer be in effect once the child ("Aaron J. George") is no longer a resident in the home as the accommodation being provided pursuant to the Americans with Disabilities Act will no longer be applicable.*

IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

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ACTED IN THE NAME OF THE BOARD
2021/07/22/09

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

Motioned by: Member Hernandez Seconded by: Vice Chairman Francis

Ayes: Member Goodsell, Member Hernandez, Vice Chairman Francis,
Chairman Mammima

Nays: None

Absent: Member Donatelli

Michael A. Levine For:

VIRGINIA M. WAGNER
SECRETARY

DEPT. OF LANDCLERY
VIRGINIA M. WAGNER

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21074

APPEAL #21074 - Anu Samuel; 40 Deepdale Parkway, Albertson, Section 7, Block 98, Lot 135; Zoned: Residential-B

Variance from §70-100.2(A) to erect fencing within a front yard.

The Board finds the applicant has submitted sufficient evidence to support why this application should be given special consideration under the Americans with Disabilities Act 28 C.F.R. § 35. Pursuant to § 35.130(b)(7), local governments are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability.

Given the above, the board grants the relief requested under 70-100.2(A) to erect fencing within a front yard with the specific limitations and conditions as specified in the Notice of Decision, as a reasonable modification to the Zoning Code in order to accommodate the disability of the applicant's child.

APPROVED BY BOARD OF ZONING APPEALS
JAN 13 2020

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