

Chairman
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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 OCTOBER 20, 2021

RESIDENTIAL CALENDAR

APPEAL #21123 – Jonathan Danoff; 9 Orchard Rd., Great Neck, Section 2, Block 354, Lot 12; Zoned Residence-A

Variances from §§ 70-29(B) & 70-30(C) to legalize an addition that is too large and too close to the street.

APPEAL #21124 - Caryn Siegel; 92 Bayview Avenue, Port Washington; Section 5, Block 54, Lot 121; Zoned: Residence-C

Variances from §§70-51(A) and 70-208.F to enclose an existing non-conforming porch that is too close to the side property line and construct a new open porch that is too close to the side property line.

APPEAL #20080 - Sheikh Zarar; 357 Powerhouse Road, Roslyn Heights; Section 7, Block E, Lot 897; Zoned Residence-B

Variances from 70-41.A and 70-100.1(B) to legalize a shed that is too close to the side property line and to legalize an addition that has smaller than required total side yards.

APPEAL #21125 – Suellen Agulnick; 231 Hillturn Ln., Roslyn Heights, Section 7, Block M08, Lot 83; Zoned Residence-B

Variances from §§ 70-40.A and 70-41.A to legalize two walkout bay windows which are located too close to the street and to legalize two rear decks which are located too close to the side property line and with total side yards less than required.

APPEAL #20765.A – Narinder Kaur; 925 N. 7th Street, New Hyde Park; Section 8, Block 18, Lot 36; Zoned: Residence-A

Variances from §§70-49.A and 70-52.3 to legalize a dwelling that does not comply with the sky exposure plane requirements and is too close to the street.

APPEAL #21126 – Olga Aylarov; 42 Elm Dr., New Hyde park, Section 8, Block 211-09, Lot 107; Zoned Residence-C

Variance from §§ 70-49(C) to construct an addition that is too big.

APPEAL #21127 - Sylvia Metzelaar; 15 Pubins lane, New Hyde Park; Section 9, Block 550, Lot 48; Zoned: Residence-C

Variance from §§70-100.2.A(4) and 70-100.2.A(2) to legalize fencing that is too tall and within the front yard.

APPEAL #21128 - Daniel McGonigle; 101 Hilldale Road; Albertson; Section 9, Block 119, Lot 1; Zoned: Residence-B

Variance from §70-40.B to construct additions that are too close to the street.

APPEAL #21129 – Mike Breen; 32 Peachtree Ln., Carle Place, Section 10, Block 280, Lot 7; Zoned Residence-B

Variances from §§ 70-41(A) & 70-41(A)(1)(e) to construct a second story addition that is too close to a side property line and with total side yards less than required.

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

APPEAL #21110 – Adonay Pineda; 12 6th St., Westbury, Section 11, Block 109, Lot 393; Zoned Residence-C & New Cassel Urban Renewal Overlay District

Variance from § 70-50.C to legalize a new two-story single-family home built too close to the street.

APPEAL #21130 - Glen Harbor Holdings, LLC; 10 Shore Road, Glenwood Landing; Section 20, Block Q, Lot 48; Zoned: Multiple Residence

Variances from §§70-196.J, 70-196.J(2)(d), 70-196.J(1)(b), 70-196.J(1)(f) and 70-196.J(2)(b) to construct a wall sign in a residence district (that is not a permitted sign type) that is too tall and too high, and to construct a ground sign in a residence district (that is not a permitted sign type) that is too large and has no space between the bottom of the sign and the ground.

APPEAL #21131 – Peter Blidy; 87 Dennis St., Garden City Park, Section 33, Block 123, Lot 34; Zoned Residence-C

Variance from § 70-50(C) to legalize a portico located too close to a street.

COMMERICAL CALENDAR

APPEAL #20694.A – Geismar, LLC; 7 Harbor Park Dr., Port Washington, Section 6, Block 86, Lots 2a, 2b, 3; Zoned Planned Industrial District

Variances from §§ 70-103(A), 70-159, 70-160.A & 70-160.C to construct additions to a building too close to a rear property line and front property line, with not enough parking, covering too much of the lot and with parking spaces located within the front yard.

APPEAL #21104 – Nelson Castro; 642 Union Ave., Westbury, Section 11, Block 97, Lot 61; Zoned Business-A

Conditional Use §70-126(F) and Variances from §§ 70-103(A)(1) and 70-103(B) to construct interior alterations to convert a retail store into a deli (a conditional use) with not enough parking and parking spaces that are too small.

APPEAL #20843 – David Latham; 255 Park Avenue, Garden City Park; Section 33, Block 174, Lots 14 & 15; Zoned: Residential-C

Variances from §§70-44, 70-100.2(A)(2), 70-100.2(A)(4), 70-50.A, 70-100.1(A), 70-100.1(B), 70-100.1(J) and 70-220.D to legalize the storage of commercial vehicles on a residential property (not a permitted use), to legalize fencing that is too high and that is in a front yard, and to legalize a shed in the front yard that is too close to the street and too close to the side property line and is on a lot without a main building on it.

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Board of Zoning Appeals

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TO: TOWN CLERK
FROM: Virginia M. Wagner, Secretary to the Board
CC: Building Dept.
DATE: October 27, 2021
RE: BZA Decisions for October 20, 2021

Appeal No.	Name	Sec.	Blk.	Lots
21064	Sally Kunitsa	5	51	31
21097	Russel Steinberg	5	C	417
21106	William Monaghan and Courtney Sempliner	5	134	18
21111	Lakeville AH Realty, LLC	8	10	40-48
21116	Alan Cooper	8	303	19
21118	Gary Russell	11	28	20
21122	Immer Canales	10	60	225
21123	Jonathan Danoff	2	354	12
21124	Caryn Siegel	5	54	121
21125	Suellen Agulnick	7	M08	83
21127	Syvia Metzelaar	9	550	48
21128	Daniel McGonigle	9	119	1
21129	Mike Breen	10	280	7
21131	Peter Blidy	33	123	34

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NOTICE OF DECISION

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.

Whereas, an application (21-106030) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

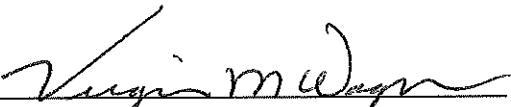
GRANTED of the dimension and in the location as shown on a survey prepared by Peter J. Brabazon, L.S. dated October 26, 2009 and revised through June 16, 2010 *as annotated and amended by the applicant*.

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



VIRGINIA M. WAGNER
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NOTICE OF DECISION

APPEAL #21097 - Russel Steinberg; 17 Capi Lane, Port Washington; Section 5, Block C, Lot 417; Zoned: Residence-A

Variance from §70-29.B to construct a sunroom that is too large.

Whereas, an application (21-104406) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

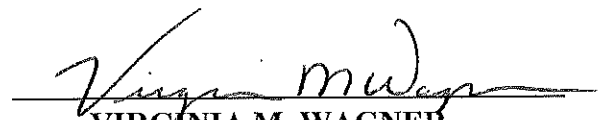
GRANTED of the dimension and in the location as shown on drawings prepared by Joseph Michael Gratzner, R.A.(as amended) dated April 20, 2021 and revised through September 1, 2021 *as amended*.

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


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NOTICE OF DECISION

APPEAL #21106- William Monaghan and Courtney Sempliner; 33 Longview Road, Port Washington; Section 5, Block 134, Lot 18; Zoned: Residential-A

Variance from §70-100.2(K) to relocate an existing generator to a location in the rear yard that is too far from the dwelling.

Whereas, an application (21-106030) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

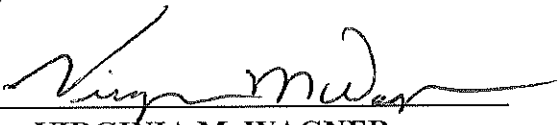
DENIED

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

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None


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NOTICE OF DECISION

**APPEAL #21111 - Lakeville AH Realty, LLC; 1011 Lakeville Road, New Hyde Park;
Section 8, Block 10, Lots 40-48; Zoned- Residential-C**

Variances from §§70-50.C, 70-196, 70-196(J), 70-196(J)(1)(a), and 70-196.K(4) to construct a canopy and pump islands that are too close to the street, to install gas station signage within a residential district (not permitted), to install gas station canopy signage (not a permitted sign type), to install more than 1 sign on a wall, and to install a double faced ground sign that is too large.

Whereas, applications (21-104730, 21-104731, 21-104732, 21-104733, 21-104734, 21-104735) 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 hereby establishes itself as "lead agency" and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **October 20, 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 Kevin C. Papasian, P.E. dated June 2, 2020 and revised through July 26, 2021 **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. That all lighting on the premises be directed away from residences and residential areas.*
- 2. All lighting that is not essential for security, including illuminated signage, canopy lighting and outdoor lighting, shall be turned off until 30 minutes prior to opening and must be extinguished 30 minutes after closing*

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

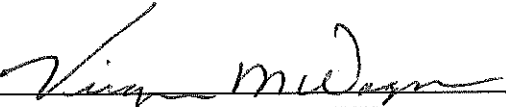
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Hernandez

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

Nays: None

Abstain: Member Donatelli



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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21111

**APPEAL #21111 - Lakeville AH Realty, LLC; 1011 Lakeville Road, New Hyde Park;
Section 8, Block 10, Lots 40-48; Zoned- Residential-C**

Variances from §§70-50.C, 70-196, 70-196(J), 70-196(J)(1)(a), and 70-196.K(4) to construct a canopy and pump islands that are too close to the street, to install gas station signage within a residential district (not permitted), to install gas station canopy signage (not a permitted sign type), to install more than 1 sign on a wall, and to install a double faced ground sign that is too large.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, a review of Building Department files, and a review of the Town Code as it pertains to development of this property, the Board finds the following with respect to these criteria:

1. The Board finds that granting the requested variance will not have a negative impact on the character of the neighborhood. The installation of the signs and the location of the canopy on the property are not anticipated to have a negative impact on the neighborhood when taking into consideration the pre-existing nonconforming use of the property as a gas station and the mitigating conditions imposed by this Board.
2. The applicant could not achieve the benefit of renovating the property without the requested variances because the requested signage is needed in order to advertise the use of the property as a gas station.
3. While the requested setback variance may be considered dimensionally substantial, the design of the property requires the requested setback to allow for adequate ingress and egress to the property. The Board also has considered that the larger residential setback requirement may be overly restrictive considering

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the commercial use of the property and its location on a main thoroughfare. With respect to the requested sign variances which also may be considered dimensionally substantial, the Board considers the size, number and location of the signage to be appropriate for a gasoline service station on a main thoroughfare, especially in light of the conditions imposed by this Board which are designed to mitigate any potential negative impact of the signage on the surrounding community.

4. The Board finds that granting the requested variances would not result in adverse effects or impacts to the physical or environmental conditions of the surrounding neighborhood when taking into consideration the pre-existing nonconforming use of the property as a gas station.
5. The alleged difficulty is self-created. However, the Board finds this factor is not determinative.

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NOTICE OF DECISION

APPEAL #21116 - Alan Cooper; 1 Tudor Drive, New Hyde Park; Section 8, Block 303, Lot 19; Zoned: Residence-B

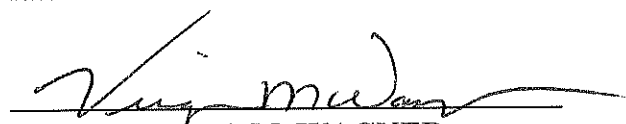
Variances from §70-102.C(2) and 70-102.C(5)(a) to legalize the relocation of pool equipment into a side yard and to erect pool fencing beyond the rear building line into the side yard.

Whereas, an application (21-106680, 21-106681) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the **variance** sought under **§70-102.C(2)** to erect pool barrier fencing beyond the rear building line into the side yard and **GRANTED** with respect to the **variance** sought under **70-102.C(5)(a)** to legalize the relocation of pool equipment into the side yard of the dimension and in the location as shown on drawings prepared by Andrew S. Braum, P.E. dated March 7, 2020 and revised through April 28, 2021 and on a survey prepared by John M. Abruzzo, L.S. dated August 16, 2019 and revised through February 12, 2019.

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 Donatelli		


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NOTICE OF DECISION

APPEAL #21118 – Gary Russell; 190 Urban Avenue., Westbury, Section 11, Block 28, Lot 20; Zoned Residence-C

Variance from § 70-100.2.A(4) to erect fencing that is too tall.

Whereas, an application (21-106207) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

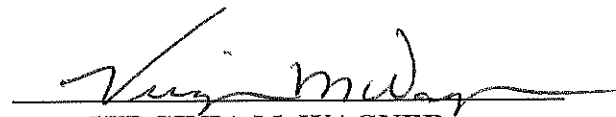
DENIED

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

Motioned by: Vice Chairman Francis Seconded by: Member Donatelli

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

Nays: None


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NOTICE OF DECISION

APPEAL #21122 – Immer Canales; 611 Old Country Road., Westbury, Section 10, Block 60, Lot 225; Zoned Business-A

Variances from § 70-196J(1)(a) & 70-196J(1)(f) to legalize a sign on a wall exceeding the number of signs allowed on a wall and that is too high.

Whereas, an application (21-106796) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

DENIED with respect to the **variance** sought under § 70-196J(1)(a) to legalize a sign on a wall exceeding the number of signs allowed on a wall and **GRANTED** with respect to the **variance** sought under § 70-196J(1)(f) to legalize a sign on a wall that is too high of the dimension and in the location as shown on drawings submitted with the application on August 13, 2021 **SUBJECT TO THE FOLLOWING CONDITION:**

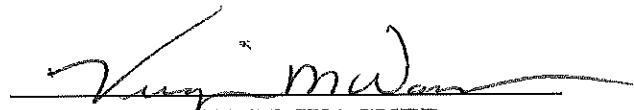
One sign shall be removed.

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, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None


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NOTICE OF DECISION

APPEAL #21123 – Jonathan Danoff; 9 Orchard Rd., Great Neck, Section 2, Block 354, Lot 12; Zoned Residence-A

Variances from §§ 70-29(B) & 70-30(C) to legalize an addition that is too large and too close to the street.

Whereas, an application (21-106796) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

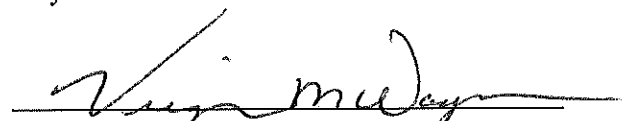
GRANTED of the dimension and in the location as shown on drawings prepared by Jared Mandel, R.A. dated January 4, 2021 and revised through June 10, 2021 and on a survey prepared by Barry Fahrner dated May 25, 2017, and revised through June 7, 2021.

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, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None


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NOTICE OF DECISION

APPEAL #21124 - Caryn Siegel; 92 Bayview Avenue, Port Washington; Section 5, Block 54, Lot 121; Zoned: Residence-C

Variances from §§70-51(A) and 70-208.F to enclose an existing non-conforming porch that is too close to the side property line and construct a new open porch that is too close to the side property.

Whereas, an application (BZA21-000003) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

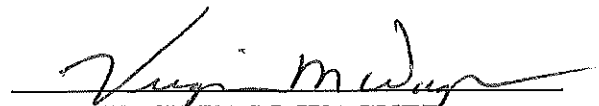
GRANTED of the dimension and in the location as shown on drawings prepared by Dennis M. Mele, R.A. dated February 26, 2021.

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


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APPEAL #21125 – Suellen Agulnick; 231 Hillturn Ln., Roslyn Heights, Section 7, Block M08, Lot 83; Zoned Residence-B

Variances from §§ 70-40.A and 70-41.A to legalize two walkout bay windows which are located too close to the street and to legalize two rear decks which are located too close to the side property line and with total side yards less than required.

Whereas, an application (21-106953) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

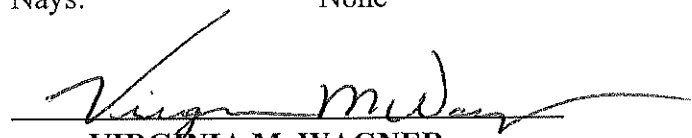
GRANTED of the dimension and in the location as shown on drawings prepared by Donald Alberto, R.A. dated September 16, 2020 and revised through June 15, 2021 and on a survey prepared by Frank I. Galluzzo, L.S. dated August 17, 2020.

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


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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 #21127 - Sylvia Metzelaar; 15 Pubins lane, New Hyde Park; Section 9, Block 550, Lot 48; Zoned: Residence-C

Variance from §§70-100.2.A(4) and 70-100.2.A(2) to legalize fencing that is too tall and within the front yard.

Whereas, an application (21-106953) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

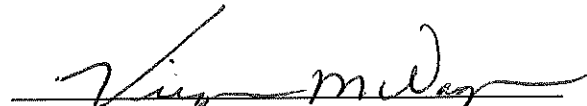
DENIED

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

Motioned by: Member Goodsell Seconded by: Vice Chairman Francis

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

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.

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NOTICE OF DECISION

APPEAL #21128 - Daniel McGonigle; 101 Hilddale Road; Albertson; Section 9, Block 119, Lot 1; Zoned: Residence-B

Variance from §70-40.B to construct additions that are too close to the street.

Whereas, an application (21-106953) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

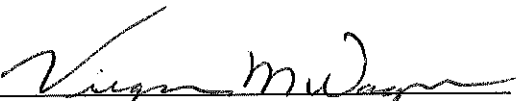
GRANTED of the dimension and in the location as shown on drawings prepared by William J. Cohen, R.A. dated May 15, 2021 and revised through August 20, 2021.

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, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None


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NOTICE OF DECISION

APPEAL #21129 – Mike Breen; 32 Peachtree Ln., Carle Place, Section 10, Block 280, Lot 7; Zoned Residence-B

Variances from §§ 70-41(A) & 70-41(A)(1)(e) to construct a second story addition that is too close to a side property line and with total side yards less than required.

Whereas, an application (21-106953) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

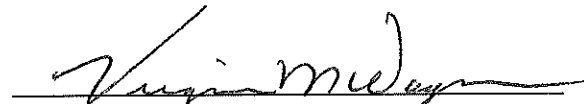
GRANTED of the dimension and in the location as shown on drawings prepared by Leo Pyzynski, R.A. dated December 2020 and revised through March 2021.

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


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NOTICE OF DECISION

APPEAL #21131 – Peter Blidy; 87 Dennis St., Garden City Park, Section 33, Block 123, Lot 34; Zoned Residence-C

Variance from § 70-50(C) to legalize a portico located too close to a street.

Whereas, an application (21-106953) 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 **October 20, 2021**, the appeal in the above entitled matter was decided as follows:

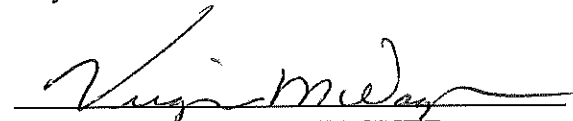
GRANTED of the dimension and in the location as shown on drawings prepared by Norman Lok, P.E. dated March 20, 2019 and revised through April 22, 2019 and on a survey prepared by Barry M. Fahrner, L.S. dated April 2, 2018 and revised through February 15, 2019.

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


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SECRETARY

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