

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 DECEMBER 15, 2021

RESIDENTIAL CALENDAR

APPEAL #21142 - Temple Israel of Great Neck; 108 Old Mill Road, Great Neck; Section 2, Block 354, Lot 26; Zoned: Residence-A

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

APPEAL #21143 - Valeria Michaelides-Sbarro; 57 Harbor Hills Road, Port Washington; Section 4, Block 3, Lot 43; Zoned: Residence-B

Variance from §70-41 to construct additions that are too close to the side property line and that create smaller than required aggregate side yards.

APPEAL #21144 - Claudia Flechas; 12 Flower Hill Place, Port Washington; Section 5, Block 87, Lot 5; Zoned: Residence-C.

Variances from §§70-100.2(A)(2), 70-100.2(A)(4), 70-100.2(M) to install fencing within a front yard (not permitted) that is too tall and to install an arbor within a front yard (not permitted).

APPEAL #21145 – Lisa & Blake Aber; 12 Pine Dr., Port Washington, Section 5, Block C, Lot 155; Zoned Residence-A

Variances from §§ 70-100.2.A(2) & 70-100.2.A(4)(a)[5] to legalize fencing which is located within the front yard (not permitted) and to legalize fencing which is too tall.

APPEAL #21146 - Andrew Simons; 38 Beachway, Port Washington; Section 5, Block C, Lot 414; Zoned: Residence-A

Variances from §§70-30.C, 70-30.B and 70-32.6 to construct additions located too close to the street, to install 2 A/C units located too close to the street, and to install front yard paving that covers more than 40% of the front yard.

APPEAL #21147 – Gary Levinson; 19 Salem Ln., Port Washington, Section 6, Block 45, Lot 129; Zoned Residence-B

Variances from §§ 70-40.C & 70-100.2.A.2 to construct additions located too close to the street and to legalize a fence located within a front yard (not permitted)

APPEAL #21148 – Erica Pereira; 8 Lowell Rd., Port Washington, Section 6, Block 52, Lot 20; Zoned Residence-B

Special exception from § 70-231 to legalize a staircase to an attic.

APPEAL #21149 - Viktoria Toth; 82 Carriage Lane, Roslyn Heights; Section 7, Block 193, Lot 2; Zoned: Residence-AA

Variances from §§70-18, 70-100.1.A and 70-100.2(2) to construct a pergola, pavilion, hot tub and barbecue/outdoor kitchen within a side yard (not permitted), to construct improvements which exceed the permitted lot coverage and to install fencing within the front yard (not permitted).

APPEAL #21150- Abesie Haye; 2 Baxter Avenue, New Hyde Park; Section 8, Block 169; Lot 59; Zoned: Residence-C

Variances from §§70-49.B, 70-50.B and 70-51.B to construct additions that are too large and too close to the street, to construct a portico which is too close to the street, and to legalize a terrace that is located too close to the side property line.

APPEAL #21151 – Alexandria Guyett; 36 Oak Dr., New Hyde Park, Section 8, Block 211-02, Lot 28; Zoned Residence-C

Variances from §§ 70-49.B & 70-51.A to construct additions that are too large and too close to a side property line.

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 #21152 - Mahendranauth Algu; 173 Lawrence Street, New Hyde Park; Section 8, Block 300, Lot 11; Zoned: Residence-B

Variance from §70-40.B to legalize a conversion of an open porch to an enclosed porch that is too close to the street.

APPEAL #21153 - Peter & Diana Venza; 8 Willow Lane, Carle Place; Section 10, Block 279, Lot 4; Zoned: Residence-B

Variances from §§70-40.C and 70-101.B to construct an addition and portico that are too close to the street.

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.

COMMERICAL CALENDAR

APPEAL #21136 - Jinsong Yang; 380 Northern Boulevard, Great Neck; Section 2, Block 85, Lot 14; Zoned: Business-A

Conditional use 70-126.D and variances from §§70-103.A(1), 70-103.B, 70-103.O and 70-203.G to construct a new 3-story automobile dealership and office building with interior parking spaces for the parking, storage and sale of automobiles (a conditional use) with parking that is less than required, parking stall space dimensions that are less than required, parking access aisles that are narrower than required and a landscape buffer that is smaller than required.

APPEAL #21154 - JMP Orchard St. LLC; 25 Orchard Street, Manhasset; Section 3, Block 71, Lots 513-515; Zoned: Business-B

Conditional use §70-139.J and variances from §§70-103.P, 70-143.B, and 70-146.B to construct a new 3-story office/senior living apartment building (a conditional use), with parking under a building, on a lot that is too small and too narrow, with the building too close to the street and side property line.

APPEAL #21155 - Lucid Group, USA, Inc. (Sign); 1950 Northern Boulevard, Manhasset; Section 3, Block 219, Lot 9; Zoned Business-A

Variance from §70-196.(J)(1)(f) to install a wall sign that is higher than permitted between the top of the sign and the ground.

APPEAL #21156 – RH 361, LLC (Orwashers Bakery); 377 Willis Ave., Roslyn Heights, Section 7, Block 259, Lots 4 & 5; Zoned Business-A/Residence B

Conditional Use § 70-126(F) to construct a new bakery in an existing commercial space, a conditional use.

APPEAL #21157 - Target Corporation; 1400 Union Turnpike, New Hyde Park, Section 8, Block 235, Lot 56; Zoned: Business-AA

Conditional use 70-114.1(B) to construct alterations to convert an existing commercial building to a retail use with a grocery store and retail food uses.

APPEAL #21158 – Packing Bowls, Inc.; 263-B Voice Road., Carle Place, Section 9, Block 663, Lot 16; Zoned Industrial B

Conditional Use § 70-187(P) to construct interior alterations for a new retail food use (a conditional use).

APPEAL #21159 - 683 Old Country, LLC - Black Label Burgers; 683 Old Country Road, Westbury; Section 10, Block 206, Lot 25; Zoned Business-A and Residence-C

Appeal for determination, or in the alternative, variances from §§70-125 and 70-134 to install a walk-in cooler that is too close to the rear property line and is not a permitted use in the Business-A zone.

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NOTICE OF DECISION

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.

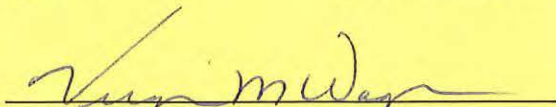
Whereas, an application (FILE #21-003184, BZR21-000002) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **December 15, 2021**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Todd O'Connell, R.A. dated July 3, 2018 and revised through May 11, 2021 and on a survey prepared by Adrian s. Lalsa, L.S. dated April 20, 2018.

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, Member Donatelli, Chairman Mammina	
Nays:	None	
Absent:	Vice Chairman Francis	



VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 20765.A

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.

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 the benefit to the applicant in granting these variances outweighs the detriment to the neighborhood. The Board bases its determination on the record which demonstrates that these variances will not result in an undesirable change to the character of the neighborhood, will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district, is not substantial and and no alternative to the variance exists which the applicant could pursue without resulting in a significant economic hardship.. Although the difficulty is self created this fact is not determinative.

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NOTICE OF DECISION

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.

Whereas, an application (FILE #18-220390, BZA21-103064) 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 **December 15, 2021**, the appeal in the above entitled matter was decided as follows:

GRANTED with respect to the relief requested under § 70-52.3 to legalize a new single-family dwelling that is within the sky exposure plane of the dimension and in the location as shown on drawings prepared by Dennis T. Oliver, R.A. dated May 2, 2019 and revised through December 6, 2021 *as amended* and on a survey prepared by Michael J. Scalice, L.S. dated January 11, 2018. The variance requested under §§70-50.C to legalize a portico that is located too close to the street was **WITHDRAWN** by the applicant as a result of the revised plans.

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

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Motioned by:

Member Goodsell

Seconded by: Member Hernandez

Ayes:

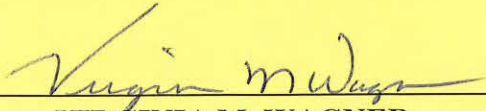
Member Goodsell, Member Hernandez, Member Donatelli,
Chairman Mammina

Nays:

None

Absent:

Vice Chairman Francis

A handwritten signature in dark ink, appearing to read "Virginia M. Wagner", is written over a horizontal line.

VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21085

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.

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 with respect to the variance requested under 70-52.3 the benefit to the applicant in granting the variance outweighs the detriment to the neighborhood. The Board bases its determination on the record which demonstrates that the variance will not result in an undesirable change to the character of the neighborhood, will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district, is not substantial and no alternative to the variance exists which the applicant could pursue without resulting in a significant economic hardship. Although the difficulty is self created this fact is not determinative.

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NOTICE OF DECISION

APPEAL #21143 - Valeria Michaelides-Sbarro; 57 Harbor Hills Road, Port Washington; Section 4, Block 3, Lot 43; Zoned: Residence-B

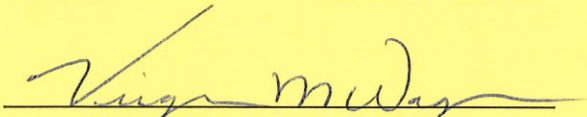
Variance from §70-41 to construct additions that are too close to the side property line and that create smaller than required aggregate side yards.

Whereas, an application (FILE #21-005969, BZA21-000030) 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 **December 15, 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 Nemec, R.A. dated June 2, 2021 and revised through September 28, 2021.

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

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



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NOTICE OF DECISION

APPEAL #21145 – Lisa & Blake Aber; 12 Pine Dr., Port Washington, Section 5, Block C, Lot 155; Zoned Residence-A

Variances from §§ 70-100.2.A(2) & 70-100.2.A(4)(a)[5] to legalize fencing which is located within the front yard (not permitted) and to legalize fencing which is too tall.

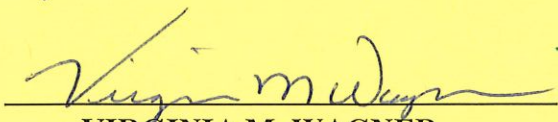
Whereas, an application (FILE #21-011997, BZA21-000026) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **December 15, 2021**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on a survey prepared by Peter J. Brabazon, P.L.S. dated October 14, 2003 and revised through July 13, 2021 *as annotated by the applicant and as amended by the BZA* **SUBJECT TO THE FOLLOWING CONDITION:**

- *Arborvitae or similar shrubbery shall be planted in front of the fence facing pine drive in order to screen the fence from view.*

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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NOTICE OF DECISION

APPEAL #21147 – Gary Levinson; 19 Salem Ln., Port Washington, Section 6, Block 45, Lot 129; Zoned Residence-B

Variances from §§ 70-40.C & 70-100.2.A.2 to construct additions located too close to the street and to legalize a fence located within a front yard (not permitted)

Whereas, an application (FILE #21-011425, BZA21-000023) 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 **December 15, 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 Miller, R.A. dated June 16, 2021 and revised through October 1, 2021 and on a survey prepared by Ramzan Alli, L.S. dated April 22, 2021 and revised through June 16, 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

A handwritten signature in blue ink, appearing to read "Virginia M. Wagner", is written over a horizontal line.

VIRGINIA M. WAGNER
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NOTICE OF DECISION

APPEAL #21149 - Viktoria Toth; 82 Carriage Lane, Roslyn Heights; Section 7, Block 193, Lot 2; Zoned: Residence-AA

Variances from §§70-18, 70-100.1.A and 70-100.2(2) to construct a pergola, pavilion, hot tub and barbecue/outdoor kitchen within a side yard (not permitted), to construct improvements which exceed the permitted lot coverage and to install fencing within the front yard (not permitted).

Whereas, an application (FILE #21-003297, BZA21-000027) 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 **December 15, 2021**, the appeal in the above entitled matter was decided as follows:

GRANTED with respect to the relief sought under **§ 70-100.1.A** to construct a pergola, pavilion, hot tub and barbecue/outdoor kitchen within a side yard as shown on drawings prepared by Michael J. Rant, P.E. dated March 22, 2021 and revised through September 27, 2021 *as amended by the BZA*. The request for a variance under **§70-100.2(2)** was **WITHDRAWN** by the applicant at the hearing.

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

Motioned by: Member Hernandez Seconded by: Member Goodsell

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

Nays: None

Absent: Vice Chairman Francis

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NOTICE OF DECISION

APPEAL #21152 - Mahendranauth Algu; 173 Lawrence Street, New Hyde Park; Section 8, Block 300, Lot 11; Zoned: Residence-B

Variance from §70-40.B to legalize a conversion of an open porch to an enclosed porch that is too close to the street,

Whereas, an application (FILE #21-263012, BZA21-000025) 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 **December 15, 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 Steven J. Treubert, P.E. dated September, 2020 and on a survey prepared by Henry Czechowicz, L.S. dated April 14, 2005.

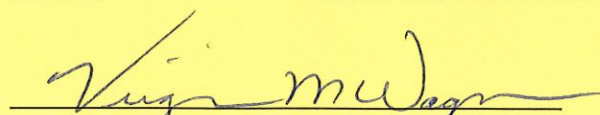
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

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

Nays: None

Absent: Vice Chairman Francis



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NOTICE OF DECISION

APPEAL #21153 - Peter & Diana Venza; 8 Willow Lane, Carle Place; Section 10, Block 279, Lot 4; Zoned: Residence-B

Variances from §§70-40.C and 70-101.B to construct an addition and portico 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 **December 15, 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 Todd O'Connell, R.A. dated June 30, 2021 through July 19, 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,
Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

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NOTICE OF DECISION

APPEAL #21155 - Lucid Group, USA, Inc. (Sign); 1950 Northern Boulevard, Manhasset; Section 3, Block 219, Lot 9; Zoned Business-A

Variance from §70-196.(J)(1)(f) to install a wall sign that is higher than permitted between the top of the sign and the ground.

Whereas, an application (FILE #21-007440, BZA21-000021) 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 **December 15, 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 Jones Sign dated January 23, 2021 and revised through May 3, 2021.

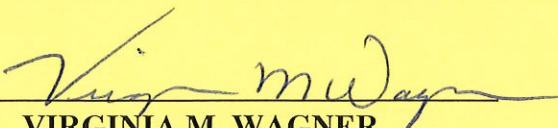
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

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

Nays: None

Absent: Vice Chairman Francis


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NOTICE OF DECISION

APPEAL #21156 – RH 361, LLC (Orwashers Bakery); 377 Willis Ave., Roslyn Heights, Section 7, Block 259, Lots 4 & 5; Zoned Business-A/Residence B

Conditional Use § 70-126(F) to construct a new bakery in an existing commercial space, a conditional use.

Whereas, an application (FILE #21-007390, BZA21-000020) 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 **December 15, 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 Zachary E. Chaplin, P.E. dated June 26, 2018 and revised through June 15, 2021 and on drawings prepared by Luigi Gileno, R.A. dated April 12, 2021 and revised through September 10, 2021 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

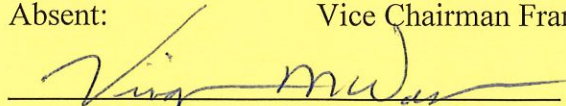
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Absent: Vice Chairman Francis



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Town of North Hempstead

Rider to Appeal # 21156

APPEAL #21156 – RH 361, LLC (Orwashers Bakery); 377 Willis Ave., Roslyn Heights, Section 7, Block 259, Lots 4 & 5; Zoned Business-A/Residence B

Conditional Use § 70-126(F) to construct a new bakery in an existing commercial space, 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 8 as depicted on the drawings prepared by Luigi Gileno, R.A. dated April 12, 2021 and revised through September 10, 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:
 - [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.

THIS IS NOT A BUILDING PERMIT

[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.

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

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

NOTICE OF DECISION

APPEAL #21157 - Target Corporation; 1400 Union Turnpike, New Hyde Park, Section 8, Block 235, Lot 56; Zoned: Business-AA

Conditional use 70-114.1(B) to construct alterations to convert an existing commercial building to a retail use with a grocery store and retail food uses.

Whereas, an application (FILE #20-241921, BZA21-106782) 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, therefore, at a meeting of the Board held on **December 15, 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 Richard J. Loeschke, Jr, R.A. dated February 17, 2016 and revised through May 10, 2021 and on drawings (Existing Site Plan, SP-1) prepared by Rand K. Rosenbaum, R.A. dated July 14, 2021 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

THIS IS NOT A BUILDING PERMIT

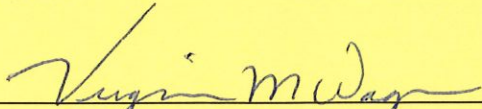
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

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

Nays: None

Absent: Vice Chairman Francis



VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21157

APPEAL #21157 - Target Corporation; 1400 Union Turnpike, New Hyde Park, Section 8, Block 235, Lot 56; Zoned: Business-AA

Conditional use 70-114.1(B) to construct alterations to convert an existing commercial building to a retail use with a grocery store and retail food uses.

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 Richard J. Loeschke, Jr, R.A. dated February 17, 2016 and revised through May 10, 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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[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.

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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Board of Zoning Appeals

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NOTICE OF DECISION

APPEAL #21158 – Packing Bowls, Inc.; 263-B Voice Road., Carle Place, Section 9, Block 663, Lot 16; Zoned Industrial B

Conditional Use § 70-187(P) to construct interior alterations for a new retail food use (a conditional use).

Whereas, an application (FILE #21-007911, BZA21-000028) 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 **December 15, 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 Douglas R. Vaggi, R.A. dated July 9, 2021 and revised through July 12, 2021 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

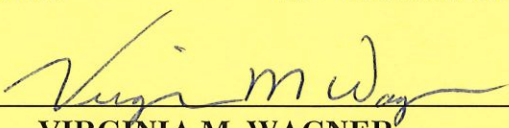
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Absent: Vice Chairman Francis


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21158

APPEAL #21158 – Packing Bowls, Inc.; 263-B Voice Road., Carle Place, Section 9, Block 663, Lot 16; Zoned Industrial B

Conditional Use § 70-187(P) to construct interior alterations for a new retail food use (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 12 as depicted on the drawings prepared by Douglas R. Vaggi, R.A. dated July 9, 2021 and revised through July 12, 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:

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- [5]. 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.
 - [6]. 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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