

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 JANUARY 19, 2022

RESIDENTIAL CALENDAR

APPEAL #21173 – 44 George Street, LLC; 44 George St., Manhasset, Section 3, Block 83, Lot 7; Zoned Residence-B

Variances from §§ 70-39(C), 70-100.1(A), 70-100.1(B), & 70-208(F) to construct additions to a non-conforming building (detached garage/apartment) that will be too big, too tall and too close to a side property line.

APPEAL #21175 – Yifan Wen & Jenny Tsui; 138 Rockcrest Rd., Manhasset, Section 3, Block 223, Lot 9; Zoned Residence-A

Variances from §§ 70-100.1(A) & 70-100.2(D) to construct a pergola, outdoor kitchen, BBQ and fireplace in a side yard, and the fireplace being too tall.

APPEAL #21167 - Marc Zimbardi; 16 Annette Drive, Port Washington; Section 5, Block 146, Lot 14; Zoned: Residence-B

Variances §§70-39.C, 70-40.C and 70-41.A to construct a new dwelling on an existing foundation that is larger than permitted, with smaller than required aggregate side yards, too close to the street and a portico that is too close to the street.

APPEAL #21176 - Jin Seuk, 116 Central Avenue, New Hyde Park, Section 9, Block 549, Lot 79; Zoned: Residence-C

Variances from §70-50.A, 70-101.B, and 70-51.A to construct additions that are too close to the side property line and the street, and a portico that is 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 #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 #21177 - KMO 360 Manhasset, LLC (Peloton Signs); 1950 Northern Boulevard, Manhasset; Section 3, Block 219, Lot 9, Zoned: Business-A

Variances from §70-196(J)(1)(f) to install 2 signs that are too high above the ground.

APPEAL #21178 - Ichiddo Albertson, LLC (Jesco Co.); 1014 Willis Avenue, Albertson, Section 7, Block 230, Lot 45, Zoned: Business-A

Conditional use §70-126.A and variance from §70-103.A(1) to construct renovations to convert an existing commercial space to a new restaurant (a conditional use) with not enough parking on site.

APPEAL #21102 - Target Corporation (signs); 1400 Union Turnpike, New Hyde Park, Section 8, Block 235, Lot 56; Zoned: Business-AA

Variances from §§70-196(J)(1)(a), 70-196(J)(1)(b), 70-196(J)(1)(f), and 70-196(J)(1)(i) to erect signs that exceed the number allowable on a wall, signs that are too tall, too large, and too high above the ground and that are not similar to other signs in the same shopping center.

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Town of North Hempstead



Board of Zoning Appeals

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Fax (516) 869-7812

CORRECTED NOTICE OF DECISION

APPEAL #211136 - 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.

Whereas, an application (FILE #21-253382, 21-105963) 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 **January 19, 2022** 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 Barry M. Bashker, R.A. dated April 18, 2017 and revised through November 1, 2021 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

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

2022 TOWN CLERK
FEB 1 10 29 AM 1100

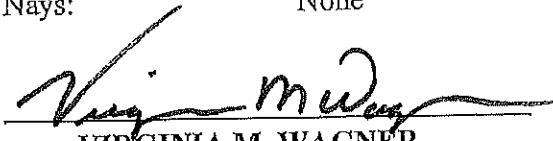
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The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21136 (Conditions)

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.

1. The retail operator shall not perform any service, detailing, or preparation of vehicles on site. No repairs of vehicles and no sale of vehicle parts shall take place on the premises.
2. There shall be no outdoor display of vehicles offered for sale on these premises. The parking lot shall be used for employee and customer parking only.
3. No vehicles shall be delivered to the site on trailers/car carriers. All vehicles to be delivered shall be driven to the site or brought on a flatbed truck.
4. No test drives of vehicles will be permitted on the residential streets of University Gardens.
5. 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 use.

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21136 (Findings of Fact)

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.

This is partially an appeal for a Conditional Use under §70-126.D, 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).

Pursuant to Section 70-225.B of the Code, this Board is empowered to grant conditional use permits to applicants. In so doing, the Board shall consider the following general standards under 70-225.B(1): (a) the purposes of zoning as set forth in the Town Law of the State of New York and uses permitted in the district in which the property is located; (b) whether the proposed use is of such character, size, location, design and site layout as to be appropriate to and in harmony with the surrounding properties; (c) whether the proposed use will provide a desirable service, facility or convenience to the area or otherwise contribute to the proper growth and development of the community and to its general welfare; (d) whether the proposed use will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of person or vehicles, proximity to travel routes or congregations of children or pedestrians; (e) whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact; (f) whether the proposed use will be a harmonious use in the district in which it is to be situated and not hinder or discourage the appropriate use and development of adjacent uses or impair the value thereof; (g) in addition to the foregoing, the location and size of a proposed use in an business or industrial district, the nature and intensity of the operations proposed, the site layout and its relation to access streets shall be considered by the board having jurisdiction of the application to determine whether the vehicular traffic resulting from such use will be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic.

The Board finds the following with respect to the criteria set forth under § 70-225.B(1):

1. The proposed use of the site for the parking, storage and display of motor vehicles (inside of the building only) is consistent with the purposes of zoning as set forth in the Town Law of the State of New York as well as the uses permitted in the Business-A district in which the property is located.

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2. Use of the property for the parking, storage and display of motor vehicles (inside of the building only) is appropriate to and in harmony with the surrounding properties. The conditions imposed as part of this approval will serve to mitigate any potential negative impacts to the neighborhood.
3. The use of the property for the parking, storage and display of motor vehicles (inside of the building only) provides a desirable service which will contribute to the proper growth and development of the community. In addition, the redevelopment of this site will rehabilitate a formerly blighted property which is anticipated to have a positive impact on the surrounding neighborhood.
4. The conditions imposed as part of this approval will serve to mitigate any potential negative impacts to the immediate neighborhood by reason of excessive traffic, assembly of person or vehicles, proximity to travel routes or congregations of children or pedestrians.
5. The Board finds that the storage and display of vehicles inside the building at the subject premises will not be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact. The conditions imposed as part of this approval will serve to mitigate any potential impacts.
6. In considering the location and size of the proposed use, the nature and intensity of the operations proposed, and the site layout and its relation to access streets, the vehicular traffic resulting from such use will not be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic. The conditions imposed as part of this approval, especially the condition related to the delivery of vehicles to the site, will serve to mitigate any potential impacts.

This is partially an appeal for variances under §§70-103.A(1), 70-103.B, 70-103.O and 70-203.G of the Town Code, to construct a new 3-story automobile dealership and office building 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.

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,

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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 because of the conditions imposed as part of this decision, granting the requested variances will not result in an undesirable change to the character of the neighborhood, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and no alternative to the variances exists which the applicant could pursue which would provide the same benefit. The Board finds that the development of the property will be compatible with the uses of other properties in the area and with the character of the surrounding neighborhood. The Board also finds that the redevelopment of this blighted property will have a positive impact on the character of the neighborhood.
2. Although the parking variance may be considered substantial, the Board finds that the applicant has demonstrated that there will be no negative impacts to the surrounding neighborhood which will occur as a result of granting this variance.
3. Although the difficulty is self-created the Board does not find this fact to be determinative.

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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

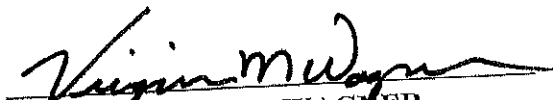
APPEAL #21102 - Target Corporation (signs); 1400 Union Turnpike, New Hyde Park, Section 8, Block 235, Lot 56; Zoned: Business-AA
Variances from §§70-196(J)(1)(a), 70-196(J)(1)(b), 70-196(J)(1)(f), and 70-196(J)(1)(i) to erect signs that exceed the number allowable on a wall, signs that are too tall, too large, and too high above the ground and that are not similar to other signs in the same shopping center.

Whereas, applications (FILE #20-258912, BZA21-105419) were 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 **January 19, 2022**, 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 Rand Rosenbaum, R.A. dated October 25, 2021 and drawings prepared by Jere Murdoch, P.E. dated September 21, 2021 and revised through October 28, 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	


VIRGINIA M. WAGNER
SECRETARY

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TOWN OF NORTH HEMPSTEAD
JAN 20 2022

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Chairman
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Vice Chairman
Leslie Francis, Esq.

Members
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Town of North Hempstead



Board of Zoning Appeals

210 Plandome Road
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NOTICE OF DECISION

**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.

Whereas, an application (FILE #21-239053, BZA21-105143) 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 **January 19, 2022**, the appeal in the above entitled matter was decided as follows:

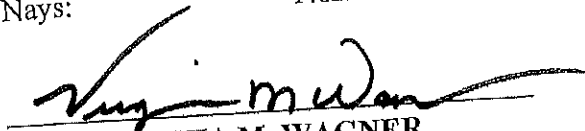
GRANTED of the dimension and in the location as shown on drawings prepared by Joseph M. Bello, R.A. dated May 16, 2019 and revised through March 9, 2021 and on a survey prepared by A.Agujo, L.S. dated April 27, 2019.

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 Mammmina

Nays: None


VIRGINIA M. WAGNER
SECRETARY

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Town of North Hempstead



Board of Zoning Appeals

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NOTICE OF DECISION

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.

Whereas, an application (FILE #20-259054, BZA21-000019) 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 **January 19, 2022**, 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 John C. Moccio, R.A. dated January 18, 2019 and revised through March 8, 2021.

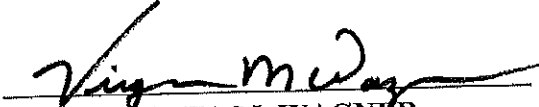
IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT

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

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21148

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.

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 the special exception requested under 70-231 of the Town Code outweighs any detriment to the neighborhood. The Board bases its determination on the record which demonstrates that granting the special exception will have little adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and no alternative to the special exception exists which the applicant could pursue without resulting in a significant economic hardship.
2. The applicant has demonstrated that the installation of the attic stairs will not result in the potential for the attic space to be used as habitable area.
3. The applicant has demonstrated that the removal of the attic stairs would result in significant economic hardship due to the already incurred expense of purchasing and installing the stairs which would now need to be removed, the costs associated with the removal and replacement of the stairs, in addition to the costs associated with relocating the electrical panel from the attic to an area which would conform with the New York State Building Code.
4. The alleged difficulty given the facts on record was not self-created.

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Board of Zoning Appeals

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NOTICE OF DECISION

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.

Whereas, an application (FILE #21-253382, 21-105963) 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 **January 19, 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 Barry M. Bashker, R.A. dated April 18, 2017 and revised through November 1, 2021 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

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

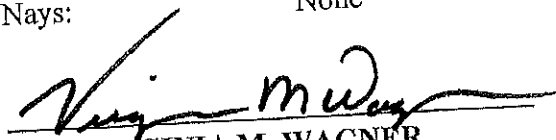
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The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

REC'D THE BOARD OF ZONING APPEALS
JUN 1 1994
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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21136 (Conditions)

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.

1. The retail operator shall not perform any service, detailing, or preparation of vehicles on site. No repairs of vehicles and no sale of vehicle parts shall take place on the premises.
2. There shall be no outdoor display of vehicles offered for sale on these premises. The parking lot shall be used for employee and customer parking only.
3. No vehicles shall be delivered to the site on trailers/car carriers. All vehicles to be delivered shall be driven to the site or brought on a flatbed truck.
4. No test drives of vehicles will be permitted on the residential streets of University Gardens.
5. 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 use.

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21136 (Findings of Fact)

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.

This is partially an appeal for a Conditional Use under §70-126.D, 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).

Pursuant to Section 70-225.B of the Code, this Board is empowered to grant conditional use permits to applicants. In so doing, the Board shall consider the following general standards under 70-225.B(1): (a) the purposes of zoning as set forth in the Town Law of the State of New York and uses permitted in the district in which the property is located; (b) whether the proposed use is of such character, size, location, design and site layout as to be appropriate to and in harmony with the surrounding properties; (c) whether the proposed use will provide a desirable service, facility or convenience to the area or otherwise contribute to the proper growth and development of the community and to its general welfare; (d) whether the proposed use will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of person or vehicles, proximity to travel routes or congregations of children or pedestrians; (e) whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact; (f) whether the proposed use will be a harmonious use in the district in which it is to be situated and not hinder or discourage the appropriate use and development of adjacent uses or impair the value thereof; (g) in addition to the foregoing, the location and size of a proposed use in an business or industrial district, the nature and intensity of the operations proposed, the site layout and its relation to access streets shall be considered by the board having jurisdiction of the application to determine whether the vehicular traffic resulting from such use will be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic.

The Board finds the following with respect to the criteria set forth under § 70-225.B(1):

1. The proposed use of the site for the parking, storage and display of motor vehicles (inside of the building only) is consistent with the purposes of zoning as set forth in the Town Law of the State of New York as well as the uses permitted in the Business-A district in which the property is located.

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2. Use of the property for the parking, storage and display of motor vehicles (inside of the building only) is appropriate to and in harmony with the surrounding properties. The conditions imposed as part of this approval will serve to mitigate any potential negative impacts to the neighborhood.
3. The use of the property for the parking, storage and display of motor vehicles (inside of the building only) provides a desirable service which will contribute to the proper growth and development of the community. In addition, the redevelopment of this site will rehabilitate a formerly blighted property which is anticipated to have a positive impact on the surrounding neighborhood.
4. The conditions imposed as part of this approval will serve to mitigate any potential negative impacts to the immediate neighborhood by reason of excessive traffic, assembly of person or vehicles, proximity to travel routes or congregations of children or pedestrians.
5. The Board finds that the storage and display of vehicles inside the building at the subject premises will not be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact. The conditions imposed as part of this approval will serve to mitigate any potential impacts.
6. In considering the location and size of the proposed use, the nature and intensity of the operations proposed, and the site layout and its relation to access streets, the vehicular traffic resulting from such use will not be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic. The conditions imposed as part of this approval, especially the condition related to the delivery of vehicles to the site, will serve to mitigate any potential impacts.

This is partially an appeal for variances under §§70-103.A(1), 70-103.B, 70-103.O and 70-203.G of the Town Code, to construct a new 3-story automobile dealership and office building 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.

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,

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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 because of the conditions imposed as part of this decision, granting the requested variances will not result in an undesirable change to the character of the neighborhood, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and no alternative to the variances exists which the applicant could pursue which would provide the same benefit. The Board finds that the development of the property will be compatible with the uses of other properties in the area and with the character of the surrounding neighborhood. The Board also finds that the redevelopment of this blighted property will have a positive impact on the character of the neighborhood.
2. Although the parking variance may be considered substantial, the Board finds that the applicant has demonstrated that there will be no negative impacts to the surrounding neighborhood which will occur as a result of granting this variance.
3. Although the difficulty is self-created the Board does not find this fact to be determinative.

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Town of North Hempstead

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

Vice Chairman
Leslie Francis, Esq.

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



Board of Zoning Appeals

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

NOTICE OF DECISION

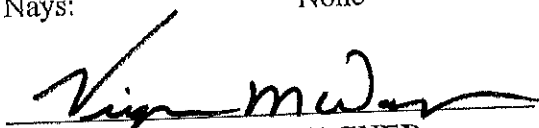
APPEAL #21176 - Jin Seuk, 116 Central Avenue, New Hyde Park, Section 9, Block 549, Lot 79; Zoned: Residence-C
Variances from §70-50.A, 70-101.B, and 70-51.A to construct additions that are too close to the side property line and the street, and a portico that is too close to the street.

Whereas, an application (FILE #21-010726, BZA21-000047) 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 **January 19, 2022**, 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 John M. Imhof, R.A. dated November 25, 2021.

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

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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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Manhasset, NY 11030
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NOTICE OF DECISION

APPEAL #21177 - KMO 360 Manhasset, LLC (Peloton Signs); 1950 Northern Boulevard, Manhasset; Section 3, Block 219, Lot 9, Zoned: Business-A
Variances from §70-196(J)(1)(f) to install 2 signs that are too high above the ground.

Whereas, an application (FILE #21-260967, BZA21-000014) 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 **January 19, 2022**, the appeal in the above entitled matter was decided as follows:

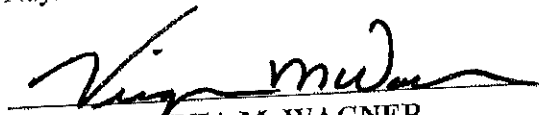
GRANTED of the dimension and in the location as shown on drawings prepared by Howell Belanger Castelli Architects dated May 18, 2020 (Site Plan) and on drawings prepared by SignTech dated May 14, 2020 and revised through September 25, 2020.

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


VIRGINIA M. WAGNER
SECRETARY

RECORDED
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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
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(516) 869-7667
Fax (516) 869-7812

NOTICE OF DECISION

APPEAL #21178 - Ichiddo Albertson, LLC (Jesco Co.); 1014 Willis Avenue, Albertson, Section 7, Block 230, Lot 45, Zoned: Business-A
Conditional use §70-126.A and variance from §70-103.A(1) to construct renovations to convert an existing commercial space to a new restaurant (a conditional use) with not enough parking on site.

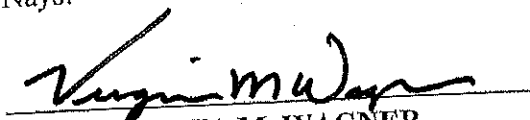
Whereas, an application (FILE #21-269524, BZA21-000041) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **January 19, 2022**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Luigi Gileno, R.A. dated July 30, 2021 and revised through August 4, 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, Vice Chairman Francis, Chairman Mammina	
Nays:	None	


VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21178

APPEAL #21178 - Ichiddo Albertson, LLC (Jesco Co.); 1014 Willis Avenue, Albertson, Section 7, Block 230, Lot 45, Zoned: Business-A

Conditional use §70-126.A and variance from §70-103.A(1) to construct renovations to convert an existing commercial space to a new restaurant (a conditional use) 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 58 as depicted on the drawings prepared by Luigi Gileno, R.A. dated July 30, 2021 and revised through August 4, 2021.
4. 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.
5. 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.
6. 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.
7. That the applicant and or its successor shall comply with Code §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:

[1]. an increase in the size of an approved kitchen by 20% of floor area of said kitchen, or 250 square feet, whichever is less, inclusive of prep areas, is proposed.

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

8. That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

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The full list of cases for this calendar may be obtained at www.northhempsteadny.gov. All interested persons should appear via the Zoom link below and will be given an opportunity to be heard at such meeting and/or hearing. The Town Board room will not be open to the public and there will be no in-person access to the hearing. All documents pertaining to the above appeals are available via email at bzadept@northhempsteadny.gov

The live Zoom hearing may be accessed at <https://us02web.zoom.us/j/81703729451> or via phone at +1 929 436 2866 or +1 312 626 6799 or +1 301 715 8592 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 using webinar ID: 817 0372 9451. Additionally, the public may view the livestream of this meeting at <https://northhempsteadny.gov/townboardlive>.

Should you wish to participate in an appeal hearing, it is recommended that you register in advance by sending an email to bzadept@northhempsteadny.gov no later than Friday, January 14, 2022. Please include your first and last name, street address, email address, any prepared written comments/questions and the appeal number you wish to be heard on. Comments will be limited to 3 minutes per speaker. Members of the public can email written comments or questions addressed to the Board. Written comments must be received 60 minutes prior to the meeting. Questions and/or comments which are timely submitted will be accepted and made a part of the record.