

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 MARCH 23, 2022

RESIDENTIAL CALENDAR

APPEAL #21190 - Janet Makhani; 2 Parkwood Drive, Great Neck; Section 2, Block 365, Lot 6; Zoned: Residence-A

Variances from §§70-30.C and 70-30.B to construct additions and a cover over an existing open terrace that are too close to the street.

APPEAL #21191 – Chaojun Fan; 5 Knickerbocker Rd., Manhasset, Section 3, Block 50, Lot 125; Zoned Residence-A

Variances from §§ 70-30.B & 70-31.B to build an addition to a house that is too close to the street and too close to the side property line.

APPEAL #21192 - Michael Rashti; 7 Secor Drive South, Port Washington; Section 5, Block 78, Lot 24; Zoned: Residence-A

Variances from §§70-28 and 70-102.C(5)(b) to construct an enclosed porch that covers to much of the property, and spa equipment that is too close to the side and rear property lines.

APPEAL #21193 – Robert Wong; 69 Roger Dr., Port Washington, Section 5, Block 161, Lot 50; Zoned Residence-C

Variances from §§ 70-51.A &, 70-52 to legalize a rear deck that is too close to a side property line and too close to a rear property line.

APPEAL #21138 – George Babayev; 41 Stirrup Ln., Roslyn Heights, Section 7, Block 219, Lot 5; Zoned Residence-AA

Variances from §§ 70-102.C(1), 70-102.C(2)(a)[5], & 70-100.1.A to construct a pool forward of a rear building line and encroaching into a side yard, a pool enclosure forward of a rear building line and encroaching into a side yard, and pool equipment in a side yard.

APPEAL #21194- Pietro Calleo; 37 Amherst Road, Albertson; Section 9, Block 122, Lot 1; Zoned: Residence-B

Variances from §§70-41.B and 70-101.B to construct an addition that is too close to the side property line and a portico that is too close to the street.

APPEAL #20944 – Kevin Earls; 104 Hamilton Drive, Roslyn; Section 9, Block 653, Lot 28; Zoned Residence-A

Variance from §70-29.C to construct a sunroom that is larger than permitted.

APPEAL #21195 - Timothy Latchana; 703 Irving Street, Westbury; Section 10, Block 37, Lot 24; Zoned: Residence-C

Variance from §70-102.C(5)(a) to legalize a semi-inground pool and pool equipment that are too close to the rear and side property lines.

APPEAL #21196 - Fritz Moise; 203 Urban Avenue, Westbury; Section 11, Block 27, Lot 75; Zoned: Residence-C

Variances from 70-100.2(A)(2) and 70-100.2(A)(4) to construct fencing in a front yard and fencing that is too tall.

COMMERCIAL CALENDAR

APPEAL #21197 – Northwell Health (signs); 300 Community Dr., Manhasset; Section 3, Block E, Lots 1108-49610, Zoned Hospital District

Variance from § 70-196.D to construct ground signs and wall signs that exceed the permitted number of signs and that are too large.

APPEAL #21033 - David Avakian, M.D.; 609 Plandome Rd., Manhasset; Section 3, Block 28, Lot 298, Zoned Business-A/Residential-AA

Variances from §§ 70-103(B) & 70-103(O) to restripe an existing parking lot and create parking spaces that are too small.

APPEAL #21198 - Mitchell Gold & Bob Williams Home Furnishings (sign); 1900 Northern Boulevard, Manhasset; Section 3, Block 220, Lot 1; Zoned: Business-A

Variances from §§70-196.J(1)(a) and 70-196.J(1)(f) to install a second wall sign on the same wall as an existing sign and that is too high above the ground.

APPEAL #21199 – 13 Avenue A, LLC; 13 Avenue A., Port Washington, Section 4, Block 35, Lot 6; Zoned Business-A

Appeal for determination that the building department erred in denying an application for a certificate of existing use for a four-family dwelling.

APPEAL #21092 - 679 Port Washington Blvd., LLC (Alma Bank); 679 Port Washington Boulevard, Port Washington; Section 6, Block 2, Lots 115 & 277; Zoned: Business-A & Residence-C

Appeal for Determination that a use be permitted per §70-225.E or a variance in the alternative from §70-44, and Variances §§ 70-103(B), 70-103(F), 70-103(O), 70-203(T)(2)(j) to construct a new bank and drive-through with the drive-through lane located within a residence district (not a permitted use), parking spaces that are too small, a loading zone that is too small, a drive aisle that is too small, and a drive-through bypass lane that interferes with the internal circulation of the site.

APPEAL #21200- Mandel-Wilentz Dermatology, PLLC; 45-47 Northern Boulevard, Greenvale; Section 20, Block 29, Lots 67 & 68; Zoned: Business-B

Variances from §§70-103.A, 70-103.B & 70-103.F to construct interior alterations for the conversion of retail space to a medical (dermatology) office with no loading zone, not enough parking on site, and parking stall spaces that are too small.

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NOTICE OF DECISION

**APPEAL #20944 – Kevin Earls; 104 Hamilton Drive, Roslyn; Section 9, Block 653, Lot 28;
Zoned Residence-A**

Variance from §70-29.C to construct a sunroom that is larger than permitted.

Whereas, an application (FILE #20-246942, BZA20-105637) 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 **March 23, 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 Alexis Spyrou, P.E. dated September 3, 2019 and revised through February 18, 2020.

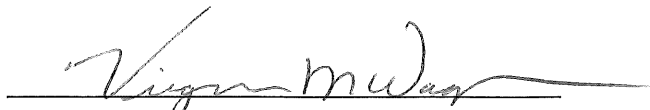
**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE
FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

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

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None


VIRGINIA M. WAGNER
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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 20944(Findings of Fact)

APPEAL #20944 – Kevin Earls; 104 Hamilton Drive, Roslyn; Section 9, Block 653, Lot 28; Zoned Residence-A

Variance from §70-29.C to construct a sunroom that is larger than permitted.

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 due to the large size (17,646 s.f.) of the property with respect to the minimum lot area requirement of the R-A zoning district (8,500 s.f.), and due to the placement of the sunroom to the rear of the dwelling on such a large property and in conformance with all other setback requirements of the R-A zoning district, no significant adverse effects to adjacent properties or the surrounding neighborhood are anticipated as a result of granting the requested variance.

In weighing the aforementioned factors, the Board finds that the benefit to the applicant in granting the variance outweighs any potential detriment to the health, safety and welfare of the neighborhood or community.

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NOTICE OF DECISION

APPEAL #21033 - David Avakian, M.D.; 609 Plandome Rd., Manhasset; Section 3, Block 28, Lot 298, Zoned Business-A/Residential-AA

Variances from §§ 70-103(B) & 70-103(O) to restripe an existing parking lot and create parking spaces that are too small.

Whereas, an application (FILE #20-249666, BZA21-101668) 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 **March 23, 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 Todd O'Connell, R.A. dated August 12, 2019 and revised through January 13, 2022 **SUBJECT TO THE FOLLOWING CONDITIONS:**

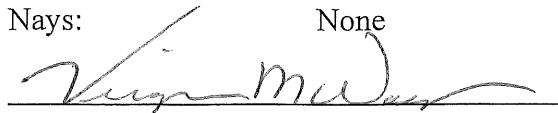
In conformance with condition #5 of Appeal #12151, the use of the parking lot to the rear of the building shall be restricted to employee parking, truck delivery and the dropping off of handicapped patients only.¹

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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¹ The Board acknowledges that this decision amends the site plan approved as part of the decision for Appeal #12151, which decision referred to cross-easements related to the use of the subject parking lot.

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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 (FILE #21-257526, BZA21-106030) 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 **March 23, 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 Albert Paul Ronci, R.A. dated August 6, 2021.

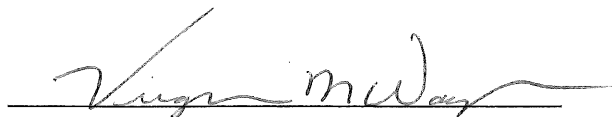
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Absent: Member Hernandez



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NOTICE OF DECISION

APPEAL #21138 – George Babayev; 41 Stirrup Ln., Roslyn Heights, Section 7, Block 219, Lot 5; Zoned Residence-AA

Variances from §§ 70-102.C(1), 70-102.C(2)(a)[5], & 70-100.1.A to construct a pool forward of a rear building line and encroaching into a side yard, a pool enclosure forward of a rear building line and encroaching into a side yard, and pool equipment in a side yard.

Whereas, an application (FILE #21-260681, BZA21-000012) 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 **March 23, 2022**, the appeal in the above-entitled matter was decided as follows:

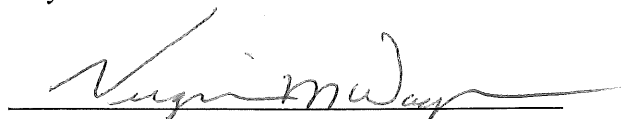
GRANTED of the dimension and in the location as shown on drawings prepared by Jerry Ciccieri, R.A. dated October 20, 2020 and revised through February 3, 2022.

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 #21190 - Janet Makhani; 2 Parkwood Drive, Great Neck; Section 2, Block 365, Lot 6; Zoned: Residence-A

Variances from §§70-30.C and 70-30.B to construct additions and a cover over an existing open terrace that are too close to the street.

Whereas, an application (FILE #21-013355, BZA-22-000010) 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 **March 23, 2022**, the appeal in the above-entitled matter was decided as follows:

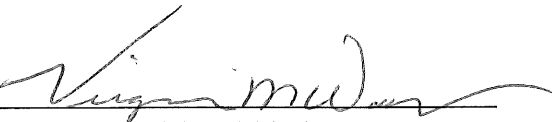
GRANTED of the dimension and in the location as shown on drawings prepared by Hooshang Nejathaim, R.A. dated May 11, 2021 and revised through November 16, 2021.

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



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NOTICE OF DECISION

APPEAL #21192 - Michael Rashti; 7 Secor Drive South, Port Washington; Section 5, Block 78, Lot 24; Zoned: Residence-A

Variances from §§70-28 and 70-102.C(5)(b) to construct an enclosed porch that covers to much of the property, and spa equipment that is too close to the side and rear property lines.

Whereas, an application (FILE #21-005370, BZA21-000012) 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 **March 23, 2022**, the appeal in the above-entitled matter was decided as follows:

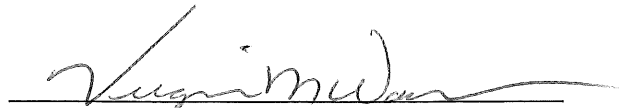
GRANTED of the dimension and in the location as shown on drawings prepared by Harry Nicolaides, R.A. dated May 21, 2021 and revised through December 23, 2021.

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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NOTICE OF DECISION

APPEAL #21193 – Robert Wong; 69 Roger Dr., Port Washington, Section 5, Block 161, Lot 50; Zoned Residence-C

Variances from §§ 70-51.A &, 70-52 to legalize a rear deck that is too close to a side property line and too close to a rear property line.

Whereas, an application (FILE #20-259889, BZA21-000016) 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 **March 23, 2022**, the appeal in the above-entitled matter was decided as follows:

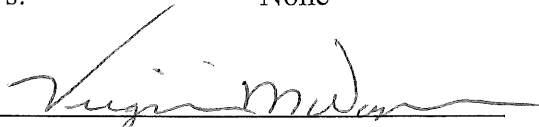
GRANTED of the dimension and in the location as shown on drawings prepared by Douglas Ralph Schneider, R.A. dated July 17, 2020 and revised through February 1, 2022.

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 #21194- Pietro Calleo; 37 Amherst Road, Albertson; Section 9, Block 122, Lot 1;
Zoned: Residence-B**

Variances from §§70-41.B and 70-101.B to construct an addition that is too close to the side property line and a portico that is too close to the street.

Whereas, an application (FILE #21-008291, BZA22-000013) 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 **March 23, 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 Marcelo D. Kohan, R.A. dated July 15, 2021.

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

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

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NOTICE OF DECISION

APPEAL #21197 – Northwell Health (signs); 300 Community Dr., Manhasset; Section 3, Block E, Lots 1108-49610, Zoned Hospital District

Variance from § 70-196.D to construct ground signs and wall signs that exceed the permitted number of signs and that are too large.

Whereas, an application (FILE #21-009686, BZA22-000015) 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 **March 23, 2022**, the appeal in the above-entitled matter was decided as follows:

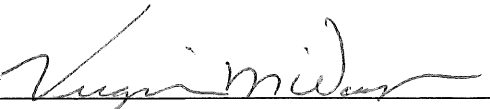
GRANTED of the dimension and in the location as shown on drawings prepared by Richard Joshua Kahn, R.A. dated February 2, 2022.

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

Motioned by: Member Hernandez Seconded by: Vice Chairman Francis

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

Nays: None



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