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Jay Hernandez
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Town of North Hempstead



Board of Zoning Appeals

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

CALENDAR FOR MAY 25, 2022

RESIDENTIAL CALENDAR

APPEAL #21226 – Aren Tung; 26 Avenue A, Port Washington, Section 4, Block 36, Lot 308; Zoned Residence-C

Appeal for Determination that the Building Department erred in not recognizing a previously issued Certificate of Existing Use.

APPEAL #21227 - Suzanne Kolen; 99 Ivy Way, Port Washington; Section 5, Block 72; Lot 200; Zoned: Residence-A

Variance from §§70-30.C to construct an addition that is too close to the street.

APPEAL #21228 - Richard Schefer; 144 Luquer Road, Port Washington; Section 5, Block 76, Lot 435; Zoned Residence-B

Variance from §70-39.C to legalize additions that are too big.

APPEAL #21212 – Marco Barrera; 24 Fairview Ave., Port Washington, Section 6, Block 10, Lot 876; Zoned Residence-C

Variance from § 70-50.B to construct additions and a portico to an existing home that would be too close to the street.

APPEAL #21215 – Juiching Hsu; 29 Ridge Rd., Albertson, Section 7, Block 304, Lot 23; Zoned Residence-A

Variance from § 70-29.B to construct additions that will make the house too big.

APPEAL #21229 - Jebashini Jesurasa; 110 Stratford Road; New Hyde Park; Section 9, Block 520, Lot 3; Zoned: Residence-C

Variances from §§70-50, 70-49.B, 70-100.2.A(4)(b), 70-100.1(b) and special exception from 70-231 to legalize a home (including a detached garage) which is too big, a raised terrace located too close to the street, fencing that is too tall, a garage that is too close to the side and rear property lines and stairs to an attic (which are not permitted).

COMMERICAL CALENDAR

APPEAL #21230 – JDK-PHRI, LLC (George D. Kofinas, MD, FACOG); 66 Power House Rd., Roslyn Heights, Section 7, Block H, Lots 426 & 427; Zoned Business-A

Variances from §§ 70-103A(1), 70-196J(1)(a), & 70-196J(1)(f) to construct interior alterations to convert an office building into a medical office with not enough parking, to construct more than one sign on a wall of a building, and sign higher than allowed.

APPEAL #21219 - Shapali, Inc. D/B/A North Star Market; 600 Hillside Avenue, New Hyde Park; Section 8, Block 9, Lot 1; Zoned: Business-A

Conditional use §70-126.F to convert a vacant commercial space to a grocery store (a conditional use).

APPEAL #21231 - 2035 Lakeville Road, LLC (Sign); 2035 Lakeville Road, New Hyde Park; Section 8, Block 217, Lot 8; Zoned: Business-A

Variances from §§70-196.J(2)(b) and 70-196.J(2)(c) to construct a ground sign that is too close to the street and is too large.

APPEAL #21232 – Michael Tobias; 111 Magnolia Ave., Westbury, Section 11, Block 141, Lot 37; Zoned Industrial-B

Variances from §§ 70-103A, 70-190, 70-192(A), and 70-203(U)(3)(h) to construct a new building for use as a micro-fulfillment distribution warehouse with not enough parking, the building being taller than permitted, a vehicle entrance door too close to the street, and construction of a ramp to a below-grade parking structure that is too steep.

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TO: TOWN CLERK
FROM: Virginia Wagner, Secretary
CC: Building Dept.
DATE: June 1, 2022
RE: BZA Decisions for MAY 25, 2022

Appeal No.	Name	Sec.	Blk.	Lots
21202	Halyna Sarlanis	3	J	421
21214	Stephen Rhine	7	41	27
21220	Karen Muallem	2	160	11
21227	Suzanne Kolen	5	72	200
21231	2035 Lakeville Road, LLC (Sign)	8	217	8

REC'D TOWN CLERK
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NOTICE OF DECISION

APPEAL #21202 - Halyna Sarlanis; 29 Ridge Drive, Manhasset; Section 3, Block J, Lot 421; Zoned: Residence-B

Variances from §§70-100.1(B) & 70-100.1(D) to legalize a detached garage that is too close to the side property line and too close to the adjoining neighbor's home.

Whereas, an application (FILE #21-002752, BZA22-000022) 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 **May 25, 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 Leo Joseph Pyzynski, Jr. dated December 2020 and revised through December 2021
SUBJECT TO THE FOLLOWING CONDITION:

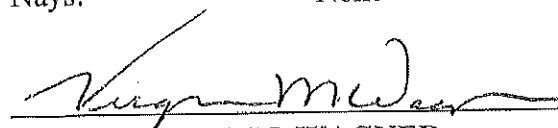
The walls of the garage shall be fire rated as per the drawings prepared by Leo Joseph Pyzynski, Jr. dated December 2020 and revised through December 2021.

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, Member Donatelli,
Vice Chairman Francis, Chairman Mammina

Nays: None


VIRGINIA M. WAGNER
SECRETARY

CLERK
22-000022

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NOTICE OF DECISION

APPEAL #21214 - Stephen Rhine; 207 Forest Street, Roslyn Heights; Section 7, Block 41, Lot 27; Zoned Residence-B

Variances from §§70-102.5(a) and 70-100.2(i) to construct a new in-ground pool located too close the rear and side property lines and pool equipment located in a side yard.

Whereas, an application (FILE #21-004769, BZA22-000036) 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 **May 25, 2022**, the appeal in the above entitled matter was decided as follows:

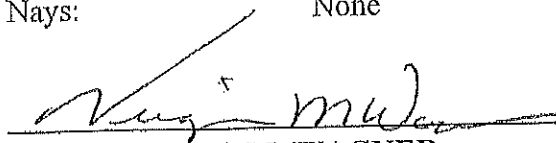
The variance sought under § 70-102.5(a) to construct a new in-ground pool too close to the rear and side property lines is **DENIED** and the variance sought under § 70-100.2(i) to locate pool equipment in a side yard is **GRANTED** of the dimension and in the location as shown on drawings prepared by Todd O'Connell dated July 28, 2021 and revised through February 23, 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 #21220 – Karen Mualem; 27 Devon Rd., Great Neck, Section 2, Block 160, Lot 11; Zoned Residence-A
Variance from § 70-29(B) to construct a second-story addition that would make the house too big.

Whereas, an application (FILE #21-006788, BZA22-000042) 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 **May 25, 2022**, the appeal in the above-entitled matter was decided as follows:

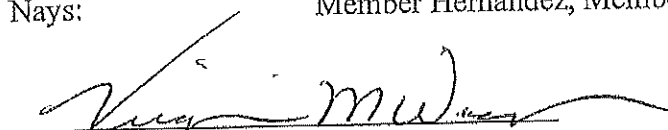
GRANTED of the dimension and in the location as shown on drawings prepared by Edna Guilor-Segal dated July 5, 2021 and revised through December 8, 2021.

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


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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21220

APPEAL #21220 – Karen Mualem; 27 Devon Rd., Great Neck, Section 2, Block 160, Lot 11; Zoned Residence-A

Variance from § 70-29(B) to construct a second-story addition that would make the house too big.

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. In making this determination the Board has considered the fact that the subject area where the home is located was upzoned from the Residence-B zoning district to the Residence-A zoning district. Under the provisions of § 70-29.D of the Town Code, homes which were affected by the aforementioned upzoning were granted relief from the gross floor area restrictions of the Residence-A zone to allow up to 2,700 s.f. if the “building” complied with all other applicable zoning restrictions in the Town Code. Here, but for the fact that the existing home does not meet the minimum front yard setback requirement of the R-A zoning district, the proposed additions (total GFA of 2509.s. s.f. is proposed) would be entitled to relief as a matter of right under § 70-29.D of the Code and a variance for gross floor area would not be required.

In addition, the applicant originally intended to remove 66 square feet of the existing garage in order to comply with the gross floor area requirements of the code. However, the original cost estimate provided to modify the garage has since doubled due to increases in the price of concrete and lumber.¹ The Board finds that the financial burden that would be incurred by the applicant to modify the garage outweighs any potential detriment to the health, safety and welfare of the

¹ Applicant's Exhibit #1, letter from Firooz Fred Dilmanian of Eastview Development Corp. dated May 4, 2022

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NOTICE OF DECISION

APPEAL #21227 - Suzanne Kolen; 99 Ivy Way, Port Washington; Section 5, Block 72; Lot 200; Zoned: Residence-A

Variance from §§70-30.C to construct an addition that is too close to the street.

Whereas, an application (FILE #21-011242, BZA22-000043) 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 **May 25, 2022**, the appeal in the above-entitled matter was decided as follows:

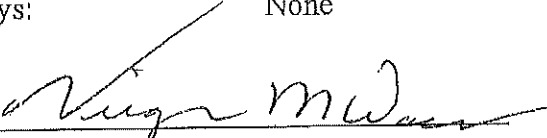
GRANTED of the dimension and in the location as shown on drawings prepared by Michael Zampini, R.A. dated April 13, 2021 and revised through September 29, 2021.

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 #21231 - 2035 Lakeville Road, LLC (Sign); 2035 Lakeville Road, New Hyde Park; Section 8, Block 217, Lot 8; Zoned: Business-A
Variances from §§70-196.J(2)(b) and 70-196.J(2)(c) to construct a ground sign that is too close to the street and is too large.

Whereas, an application (FILE #21-009592, BZA22-000050) 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 **May 25, 2022**, the appeal in the above-entitled matter was decided as follows:

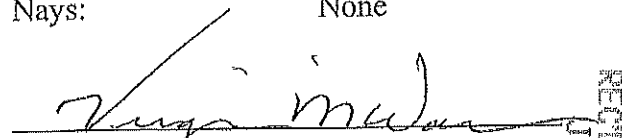
GRANTED of the dimension and in the location as shown on drawings prepared by Going Sign & Servicing Co., Inc. dated March 31, 2021 and March 11, 2022 and on a survey prepared by Albert W. Tay, L.S. dated April 3, 1999 *as annotated by the applicant*.

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,
Vice Chairman Francis, Chairman Mammìna

Nays: None


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