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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 AUGUST 10, 2022

RESIDENTIAL CALENDAR

APPEAL #21258 – Amy & Martin Griffel; 11 Pond Park Rd., Great Neck, Section 2, Block 367, Lot 11; Zoned Residence-A

Variance from § 70-32 to build a deck too close to the rear property line.

APPEAL #21250 – Aiden Stenson; 134 Castle Ridge Rd., Manhasset, Section 3, Block 204, Lot 41; Zoned Residence-A

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

APPEAL #21259 - Brian Kutner; 73 Harbor Hills Road, Port Washington; Section 4, Block 1, Lot 40; Zoned: Residence-B

Variance from 70-100.2(A)(2) to install fencing that is located in a front yard.

APPEAL #21260 – Anastasios Chrisoforidis; 76 Avenue C, Port Washington, Section 4, Block 25, Lot 249; Zoned Residence-B

Variance from § 70-100.1.A to legalize a gazebo located within in a side yard (not permitted).

APPEAL #21221 - Peter & Donna Rowlinson; 15 Lincoln Place, Port Washington; Section 5, Block 41, Lot7; Zoned: Residence-C

Variances from §§ 70-50.B, 70-52, 70-101.B, and 70-208.F to construct additions to a non-conforming dwelling that are too close to the rear property line and too close to the street, and a porch that is too close to the street.

APPEAL #21262 – Diana Frank; 17 Elm Street, Roslyn Heights, Section 7, Block 7, Lot 675; Zoned Residence-C

Variances from §§ 70-100.1.B & 70-100.1.D to legalize a detached garage that is located too close to the rear property line and is located too close to the house on the adjacent property.

APPEAL #21263 – Thomas Roccotagliata; 100 Linden St., Roslyn Heights, Section 7, Block 68, Lot 23; Zoned Residence-C

Variances from §§ 70-50.B, 70-101.H, 70-100.1.F, 70-208.F, 70-231, 70-100.2.A(2), & 70-100.2.A(4)(a)[5] to legalize a one-story open porch too close to a street, A/C condensers too close to a street, a non-conforming detached garage too close to a side property line, a detached garage that is too big (exceeds the permitted depth), fencing located within the front yard, and fencing that is too tall.

APPEAL #21264 - Kang Woojin; 922 North 6th Street, New Hyde Park; Section 8, Block 18, Lot 71; Zoned: Residence-C

Variance from 70-50.A to construct a second floor addition and portico that are too close to the street.

APPEAL #21265 - Robert Brousseau; 103 Lynton Road, Albertson; Section 9, Block 110, Lot 21; Zoned: Residence-C

Variances from §§70-100.2(A)(4) and 70-100.2(A)(4)(b) to construct fencing that is too tall.

APPEAL #21266 – Kolady Thomas; 118 Stratford Rd., New Hyde Park, Section 9, Block 520, Lot 5; Zoned Residence-C

Variance from § 70-50.A to construct additions and a two-story portico that are too close to the street.

APPEAL #21267 - Lee Tsai; 702 Foch Boulevard, Williston Park; Section 9, Block 655, Lot 2; Zoned: Residence-C

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

COMMERICAL CALENDAR

APPEAL #21268 – Barco Realty Cuttermill, LLC; 133 Cutter Mill Rd., Great Neck, Section 2, Block 305, Lot 16; Zoned Industrial-B

Variance from §70-196.J(1) to construct signs on a gas station canopy (not a permitted sign type)

APPEAL #21269 – Ace Property of Manhasset, Inc (Sang Park); 8 Hillcrest Ave., Manhasset, Section 3, Block 79, Lot 228; Zoned Business-B

Variance from §70-103(A)(1) to legalize a karate studio with not enough parking.

APPEAL 21261 - Antonio Ardovini; 3 Carey Street Port Washington; Section 4, Block 34, Lot 240; Zoned Business-A

Variance from §70-202.1(c) to construct a replacement retaining wall that is too tall.

APPEAL #21270 – 711-735 Port LLC (Rosa's Pizzeria); 711-735 Port Washington Blvd., Port Washington, Section 6, Block 1, Lot 147; Zoned Business-A

Conditional Use § 70-126(F) and Variance from § 70-103(A) to construct interior alterations to build a new pizza parlor with not enough parking.

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Board of Zoning Appeals

210 Plandome Road
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NOTICE OF DECISION

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.

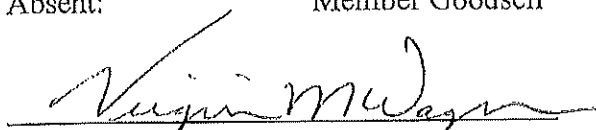
Whereas, an application (FILE #16-193552, BZA22-000053) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by John Amisano, R.A. dated October 26, 2015 and revised through August 9, 2017.

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 Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammìna	
Nays:	None	
Absent:	Member Goodsell	


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be considered substantial, in light of the minimal impact to the surrounding neighborhood as set forth in #1 above, the Board does not find this variance to be substantial.

4. For the reasons stated above, The Board finds that granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is self-created since the applicant renovated and expanded their home without the benefit of permits, however in considering the record for this appeal, the Board does not find this fact to weigh in favor of denial.

Therefore, based on the above, the relief sought under §70-39.C to legalize additions that are too big is GRANTED because it has been determined that the benefit to the applicant outweighs any detriment to the health, safety and welfare of the neighborhood or community.

REC'D TNH TOWN CLERK
AUG 18 '22 AM 9:30

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21228

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.

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, and a review of Building Department files, the Board finds the following with respect to these criteria:

1. The Board finds there will be no undesirable change to the character of the neighborhood nor that a detriment to neighboring properties will occur as a result of granting the requested variances to legalize additions which are too big. The changes to the home, which resulted in the additional floor area that exceeds that which is permitted by Code, involved modifications to the interior of the home only and as such did not affect the appearance of the home as viewed by the neighbors or surrounding neighborhood. In making this determination, The Board notes that the applicant was permitted by Code to add a second story to the home so long as it complied with the gross floor area requirements. The Board mentions this fact to distinguish this application from one where the additional story or floor would otherwise be prohibited by Code.
2. The benefit to the applicant to legalize the second story additions without modification cannot be achieved without the requested variance. The benefit to the applicant to construct the second story additions without the necessity of a variance could have been achieved if the applicants had applied for a permit at the time of construction and were made aware that certain areas of the second story would be considered as part of the GFA even if they are/were not considered "habitable" space. The applicants could have made slight modifications to their plans to conform to the code.
3. The applicants seek to legalize a home with a gross floor area of 3,614 s.f. where only 3,400 s.f. is allowed. This represents a variance of 6%. While a 6% GFA variance could

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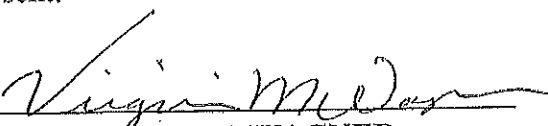
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Goodsell


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AUG 18 '22 AM 9:31

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21229

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

Variances from §§70-50.A, 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).

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, and a review of Building Department files, the Board finds the following with respect to these criteria:

Special Exception sought under § 70-231

1. With respect to the special exception requested under § 70-231 to legalize fixed stairs to an attic which is not permitted, the Board finds there could be a detriment to neighboring properties and to the neighborhood by allowing fixed stairs to the attic. Although the attic is proposed to be unfinished, allowing fixed stairs to the attic would increase the potential for the attic to become habitable space in contravention of the restrictions of the Code which prohibit a third floor within this zoning district due to life safety concerns. In addition, the home, including the detached garage, already exceeds the GFA requirements of the Code and the potential for the attic to be used as additional space could exacerbate this condition. The Board also finds that granting a special exception to permit the attic stairs would set a negative precedent for granting similar variances in the future without justification. The applicants claim the space is needed for the storage of large furniture (BZA application form Item J), however, the Board notes that the home has a finished basement as well as an oversized garage which could be used for this purpose. Although the removal of the stairs will come at a cost (estimate of \$6,500 provided by Savvy Builders dated June 16, 2022) the board finds that benefit to the applicant does not outweigh the detriment to the health, safety and welfare of the neighborhood or community.

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2. As an alternative, which would not require a special exception or variance, the applicant can install pull-down stairs in order to access the attic. Although this alternative does not achieve the same exact benefit to the applicant, it would still provide access to this area.
3. The Board finds this special exception to be substantial in that it would allow the potential for the attic to be used as habitable space or a third floor which is not permitted in this district.
4. The Board finds that granting the special exception sought under § 70-231 could have an impact on the physical or environmental conditions in the neighborhood by increasing the potential for the attic to become habitable space. This could present a life safety issue if the third floor were to be used as habitable space without the necessary permits and thus the necessary inspections to ensure compliance with applicable fire codes.
5. The Board finds that the alleged difficulty is self-created since the applicant purchased the home as part of a short sale (see hearing transcript page 42) and therefore, did not confirm that the necessary permits and certificates were in place. This fact alone, however, is not determinative.

Variance sought under § 70-100.2.A(4)(b)

1. With respect to the variance requested under § 70-100.2.A(4)(b) to legalize a fence(s) which is too tall, the applicant stated that the 6' fence is needed because a five foot fence would not provide enough privacy. However, the applicant did not state why additional privacy is needed at this property as compared to every other property in the Town where the same fence height requirements apply. In fact this Board finds that privacy may be achieved by plantings in lieu of a fence. The applicants also provided no reason why the 5' fence is needed facing the street. The Board finds that the benefit to the applicant, which is to legalize a non-compliant fence, is outweighed by the potential detriment to the character of the neighborhood and that a grant of this variance would set a negative precedent for having to grant similar variances in the future.
2. As an alternative to the requested variance the applicant could reduce the height of the fence in order to comply with the Code. A reduced fence will still provide some privacy at the property. The addition of shrubbery would provide further privacy.
3. The Board does not find the requested variance to be substantial. A 6' fence is proposed where 5' is allowed and a 5' fence is proposed where 4' is allowed.
4. The Board finds that the requested variance, if granted, would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

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5. As stated above, the Board finds that the alleged difficulty is self-created, however, this fact alone is not determinative.

Variance sought under § 70-100.1(b)

1. With respect to the variance requested under 70-100.1(b) to legalize the garage which is located too close to the side and rear property lines, the Board finds that the de minimis nature of this variance would not have a negative impact on the character of the neighborhood or be a detriment to the neighboring properties.
2. There is no alternative other than the requested variance which would allow the applicants to legalize the garage without modification. The applicants could, however, achieve the benefit of having a garage if the garage were modified to be in conformance with the code.
3. As stated above, the Board finds the requested variance to be de minimis.
4. The Board finds that granting the requested variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. As stated above, the Board finds that the alleged difficulty is self-created, however, this fact alone is not determinative.

Variance sought under § 70-50.A

1. With respect to the variance requested under § 70-50.A for the raised terrace, the Board finds that granting the requested variance would not have an impact on the character of the neighborhood or be a detriment to nearby properties. This determination is made because the terrace, has no railing and cannot be seen from the street due to the significant amount of vegetation which screens the terrace from view.
2. The applicant could achieve the benefit of having a terrace without the necessity of a variance only by modifying the size and setback of the terrace. Based on the above, the Board does not find that this modification is necessary.
3. The variance could be considered substantial under other circumstances, however, for the reasons stated in #1 above, the Board does not find the substantiality of the variance to weigh in favor of denial.
4. The Board finds that granting the requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

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5. As stated above, the Board finds that the alleged difficulty is self-created, however, this fact alone is not determinative.

Variance sought under § 70-49.B

1. With respect to the variance requested under § 70-49.B for exceeding the permitted gross floor area, the Board has considered the estimate (estimate of \$38,000 provided by Savvy Builders dated June 16, 2022) to demolish the garage and build a new compliant garage and finds that the benefit to the applicant to legalize the 2,633.4 s.f. home and garage outweighs any potential detriment to the health, safety and general welfare of the neighborhood or community. In this instance 475 s.f. of the total 2,633 s.f. lies in the detached garage. The house itself is 2,158 s.f., which is significantly less than the permitted square footage of 2,500. The detached garage is positioned behind a solid panel gated fence at the back of the property; a part of the garage is located directly behind the house obscuring it from the street. Because of these factors the Board finds that the excess gross floor area in this instance has a minimal impact on the character of the neighborhood.
2. The benefit to the applicant to legalize the home without modifications could not be achieved without the requested variances.
3. Given the above, the Board does not find that the variance sought under § 70-49.B is substantial.
4. Given the above, the Board finds that granting the requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. As stated above, the Board finds that the alleged difficulty is self-created, however, this fact alone is not determinative.

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Board of Zoning Appeals

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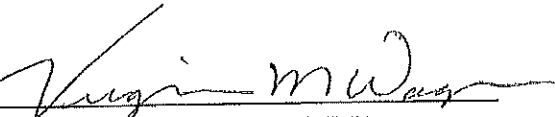
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Member Goodsell



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AUG 18 '22 AM 9:32

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21251

APPEAL #21251 - Steven Levinson; 66 Sandy Hollow Road, Port Washington; Section 5, Block 143, Lot 54; Zoned: Residence-B

Appeal for determination, or in the alternative, variances 70-102.C(1) and 70-102.C(2)(a)[5] to legalize a swimming pool and pool fencing in a side yard and variances 70-100.2(A)(2), 70-100.2(A)(4)(a)[5] and 70-100.2(A)(4)(b) to legalize fencing in a front yard, fencing that is too tall and not along the property lines.

Appeal for Determination:

With respect to the appeal for determination, the Board finds that the Building Official erred in issuing a Notice of Disapproval for the application citing non-compliance with § 70-102.C(1) and 70-102.C(2)(a)[5] of the Code based on the following facts:

1. The subject property is an irregular shaped (five sided), steeply sloped, 9,680 s.f parcel (Nassau County Tax Assessor's Records) located within the Residence B zoning district.
2. The following applicable provisions of Section § 70-102 of the Town Code pertain to the location of swimming pools:

"C. No swimming pool shall be installed or maintained as authorized in the preceding subsections except on the following conditions:

(1) Such pool shall be installed in the rear yard of the premises.

(2) Anything in this chapter to the contrary notwithstanding, there shall be erected and maintained a six-foot-high solid wood, solid vinyl, vertical wrought iron fence with spacing no more than four inches apart, or similar product, with the finished side facing the adjoining properties and the street or a chain link fence complying with the requirements set forth in the current New York State Uniform Fire Prevention and Building Code. No pool fencing shall extend forward of the rear building lines of the dwelling. Such fence shall only be installed after obtaining the necessary permits.

[Amended 7-9-1991 by L.L. No. 10-1991; 4-1-1997 by L.L. No. 8-1997; 5-18-2010 by L.L. No. 5-2010; 7-10-2012 by L.L. No. 11-2012]

(a) The fence enclosing the pool shall comply with the following;

[1] The fence shall be at least six feet in height and shall have a maximum vertical clearance to grade of two inches.

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[2] The fence shall be constructed so as not to provide footholds.

[3] Vertical members shall extend above the upper horizontal bar.

[4] A wall of a dwelling is permitted to serve as part of the enclosure, in accordance with the provisions of the current New York State Uniform Fire Prevention and Building Code.

[5] The enclosure is permitted only within the rear yard and may include equipment accessory to pool use.

[6] The fence shall fully comply with the New York State Uniform Fire Prevention and Building Code with regard to openings and member spacing."

3. On April 6, 1999 the owner of the subject property, Steven Levensen (the "Owner") filed a Building Permit Application (the "application") to build a swimming pool and a 6' stockade fence on the property (see applicant's Exhibit #4).
4. The application was accompanied by plans showing the swimming pool in its current location. The westerly swimming pool fence was shown in its current location however, there was also a portion of the fence shown extending from the southwest corner of the home to the property line. This fence is not shown on the current plans.
5. The application was approved on April 23, 1999 by Daniel LoMonte the Director of Plans Examinations & Permits at the time and by Erwin Ladau, R.A. the Commissioner of the Building Department at the time.
6. An Electrical Certificate was provided as indicated on the application.
7. The swimming pool and fence received a final inspection on April 5, 2005 as indicated on the application.
8. No certificate of completion was ever issued for the swimming pool and the pool fence. It appears that a certificate of completion would have been issued for the swimming pool and fence if it were not for the fact that there were other open permits for the property. The Building Department likely suspended the issuance of the certificate for the swimming pool and pool fence until these other permits were closed out.
9. In an attempt by the applicant to close out the other permits for the property, the swimming pool application was reviewed again by the Deputy Plans Examiner, Glenn Norjen. Based on this review, a Notice of Disapproval was issued on April 11, 2022 citing the above enumerated sections of the Town Code.

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10. On June 7, 2022 the applicant applied to the Board of Zoning Appeals ("BZA application") for an appeal for determination that the Building Official erred in citing variances under §§ 70-102.C(1) and 70-102.C(2)(a)[5] of the Town Code or in the alternative, variances to legalize the swimming pool in its current location. They also applied for variances under §§ 70-100.2(A)(2), 70-100.2(A)(4)(a)[5] and 70-100.2(A)(4)(b) of the Town Code to legalize the pool barrier fencing and other fencing in its current location.
11. On July 13, 2022 a hearing was held regarding this appeal
12. The applicant's attorney, Bruce Migatz, Esq., asserts that the Plans Examiner's interpretation (at the time the original application was approved) should not be overruled by an interpretation of a different Plans Examiner (Rider to Board of Zoning Appeal's Application ("BZA application") and testimony by the applicant's attorney, at the July 13, 2022 BZA hearing). The Rider to the BZA application cites several cases to support this assertion.
13. In further support of the original Plans Examiner's interpretation, the applicant's attorney cites the definition of a side yard under § 70-41 of the Town Code as follows (Exhibit #5 submitted by the applicant's attorney at the hearing):

"On a corner lot, a single-family dwelling shall have only one side yard. Said yard shall be on the side adjoining the interior lot opposite the front yard having the greater street frontage. Said side yard shall have a minimum width of seven feet. The two yards fronting on streets shall be considered front yards as provided under 70-39B. The remaining yard shall be considered the rear yard and shall conform to the provisions of 70-42."

It is an undisputed fact that the property is irregular shaped. Therefore, it is logical to believe that there was room for interpretation by the original Plans Examiner as to which yard should be considered the rear yard. The Board finds, however, that it was not mere guesswork by the Plans Examiner as to which yard should be considered the rear yard given the definition of a side yard on a corner lot as set forth in § 70-41 of the Town Code.

In this instance, the front yard with the greater street frontage is the Irma Avenue front yard. In accordance with the language in § 70-41, the interior lot opposite Irma Avenue could either be the lot adjoining the subject property which fronts on Annette Drive (27 Annette Drive) and also has frontage on Sandy Hollow Road or the lot which adjoins the subject property and fronts on Annette Drive (25 Annette Drive). The side yard for the subject property (and there can be only one side yard according to this definition) would adjoin either one of these lots. Therefore, the side yard would either be the yard on the northeastern side of the house or the yard on the southeastern side of the house. In either scenario, the yard where the pool is located would not be considered a "side yard". By this definition the swimming pool could only be located in a "rear

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yard" and therefore, the Board finds that the determination of the original Plan's Examiner was rational and should be upheld.

Additionally, pursuant to Section 70-225.G of the Town Code the Board is empowered to "vary the application of the provisions of this chapter and establish appropriate requirements for irregular lots or lots less than the required area in any district existing at the effective date of this chapter". Section 70-225.H of the Town Code also gives the Board the same latitude to vary the requirements of the code in the case of "exceptional topography". The Board finds that both instances are present in the instant matter. Therefore, the Board determines that in this instance, given the fact this is a five-sided steeply sloped and wooded parcel, the backyard for purposes of the premises is that portion of the property that is in the southwest portion of the premises and therefore, the pool is compliant.

Area Variances

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, and a review of Building Department files, the Board finds the following with respect to these criteria:

With respect to the variances requested under 70-100.2(A)(2), 70-100.2(A)(4)(a)[5] and 70-100.2(A)(4)(b) to legalize fencing in a front yard, fencing that is too tall and not along the property lines the Board makes the following determinations:

1. The Board finds that due to the steeply sloped nature of the property, some type of protection, whether a guard rail or a fence, is needed along the higher elevated portions of the property to provide safety to the residents of the home. Since the existing fences on the southwestern portion of the property, in the front yard and the fence on the southern corner of the property, already afford this protection, and since these fences are located on the interior portions of the heavily wooded property and therefore are barely visible from neighboring properties and the surrounding neighborhood, the Board finds that the benefit to the applicant to legalize these fences outweighs any detriment to the neighborhood. With respect to the two pieces of 6' high fence located slightly off the property line in the southeastern portion of the

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property, and the fence with a gate which extends from the southeastern corner of the home to the retaining wall, the Board finds that these fences are not visible from adjacent properties or the surrounding neighborhood and therefore, forcing the applicant to comply with the code would place an unnecessary burden on the applicant without necessarily resulting in a measurable improvement to the character of the neighborhood.

2. The benefit to the applicant to keep the fences in the front yard could not be achieved without the necessity of variances. The benefit to the applicant to keep the fences which are too tall could be achieved by cutting the fences down to comply with the height restrictions of the code. However, as discussed in #1 above the Board does not find that this modification would result in a measurable improvement to the character of the neighborhood and therefore, finds it to be unnecessary.
3. Given the above, the Board does not find the requested variances to be substantial.
4. The Board finds that granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is partially self-created since the applicants installed portions of the fence without permits. The difficulty involved in the requirement to legalize the portions of the fence that were shown on the original building permit is not self-created since the applicants applied for, and were granted, a permit to construct the pool and associated pool fence.

Therefore, based on the above, the appeal for determination to review the decision of the Building Official is granted (no variances are required under 70-102.C(1) and 70-102.C(2)(a)[5]) and the variances sought under 70-100.2(A)(2), 70-100.2(A)(4)(a)[5] and 70-100.2(A)(4)(b) are GRANTED because it has been determined that the benefit to the applicant to legalize the fences outweighs any detriment to the health, safety and welfare of the neighborhood or community.

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REC'D TOWN CLERK
AUG 16 '22 AM 9:32

Chairman
David L. Mammìna, 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 #21253.A – 18 Rams Hill Partners, LLC (Lot 1033); First St., Glenwood Landing, Section 20, Block P, Lot 1033; Zoned Residence-B
Variances from §§ 70-40(C), & 70-101(B) to construct a new home too close to the street with a porch too close to the street.

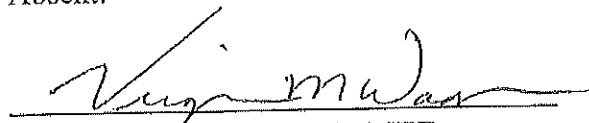
Whereas, an application (FILE #22-007709, BZA22-000080) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on a survey prepared by Paul Russo, R.A. dated January 2022.

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 Hernandez	Seconded by: Member Donatelli
Ayes:	Member Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammìna	
Nays:	None	
Absent:	Member Goodsell	


VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21253.A

APPEAL #21253.A – 18 Rams Hill Partners, LLC (Lot 1033); First St., Glenwood Landing, Section 20, Block P, Lot 1033; Zoned Residence-B

Variances from §§ 70-40(C), & 70-101(B) to construct a new home too close to the street with a porch 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, and a review of Building Department files, the Board finds the following with respect to these criteria:

1. The Board finds there will be no undesirable change to the character of the neighborhood nor that a detriment to neighboring properties will occur as a result of granting the requested variances to construct a new home too close to the street with a porch too close to the street. Several concerns were raised by the neighbors (at the hearing and in correspondence submitted to the Board) regarding the construction of this new home as well as the new home proposed on the adjacent property (companion Appeal #21253.B). One of these concerns involves the position of the driveway with respect to the driveways on the properties across the street. The board finds that this concern does not relate to the two setback variances being requested and therefore will not be considered. Another concern raised was, that because the street is narrow, the closer the new home(s) are built to the street the more they will encroach on the houses on the opposite side of the street. The Board notes that the property located to the east of the subject property (7 1st Street) has an unusually large front yard setback of 68.1' and this significantly increases the average front yard setback for the block. The other two homes on this side of the street have front yard setbacks of 28.1 and 25.5' which are less than the proposed 30' setback for this home. In addition, though not considered in the average front yard setback calculations by Code, the homes on the opposite side of the street appear to have front yard setbacks which are even less than the homes on the south side of the street (Key Plan on drawing A-1 prepared by Paul Russo, R.A. dated January 2022). Therefore, it would be fair to say that the block is characterized by homes which appear to be closer to

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TOWN CLERK

the street than both the required and proposed front yard setbacks for this property, and most certainly closer to the street than the home located at 7 1st Street. The Board concludes that the construction of this new home as proposed is not anticipated to have an adverse impact on the character of the neighborhood.

2. The benefit to the applicant to construct a new home could be sought either by pushing the home further back on the property (which would require a variance for an insufficient rear yard setback) or by reducing the depth of the home. The Board does not find that either of these alternatives would result in a measurable improvement to the character of the neighborhood.
3. The variances could be considered substantial (a proposed front yard setback for the dwelling of 30' where 45' is required). However, in light of the minimal impact to the surrounding neighborhood as set forth in #1 above, the Board does not find the substantiality of this variance to be to be a factor which weighs in favor of denial.
4. The Board finds that granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is self-created since the applicant is proposing to construct a new home which does not comply with the setback requirements of the code, but this by itself is not determinative.

REC'D TNH TOWN CLERK
AUG 18 '22 AM 9:33

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

NOTICE OF DECISION

APPEAL #21253.B – 18 Rams Hill Partners, LLC (Lot 1034); First St., Glenwood Landing, Section 20, Block P, Lot 1034; Zoned Residence-B
Variances from §§ 70-40(C), & 70-101(B) to construct a new home too close to the street with a porch too close to the street.

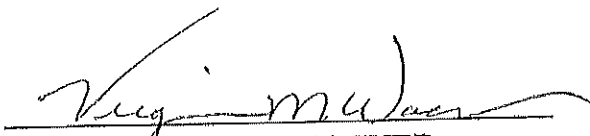
Whereas, an application (FILE #22-007710, BZA22-000081) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on a survey prepared by Paul Russo, R.A. dated January 2022.

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


VIRGINIA M. WAGNER
SECRETARY

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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21253.B

APPEAL #21253.B – 18 Rams Hill Partners, LLC (Lot 1034); First St., Glenwood Landing, Section 20, Block P, Lot 1034; Zoned Residence-B

Variances from §§ 70-40(C), & 70-101(B) to construct a new home too close to the street with a porch 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, and a review of Building Department files, the Board finds the following with respect to these criteria:

1. The Board finds there will be no undesirable change to the character of the neighborhood nor that a detriment to neighboring properties will occur as a result of granting the requested variances to construct a new home too close to the street with a porch too close to the street. Several concerns were raised by the neighbors (at the hearing and in correspondence submitted to the Board) regarding the construction of this new home as well as the new home proposed on the adjacent property (companion Appeal #21253.A). One of these concerns involves the position of the driveway with respect to the driveways on the properties across the street. The board finds that this concern does not relate to the two setback variances being requested and therefore will not be considered. Another concern raised is that because the street is narrow the closer the new home(s) are built to the street the more they will encroach on the houses on the opposite side of the street. The Board notes that the property located to the east of the subject property (7 1st Street) has an unusually large front yard setback of 68.1' and this significantly increases the average front yard setback for the block. The other two homes on this side of the street have front yard setbacks of 28.1 and 25.5' which are less than the proposed 30' setback for this home. In addition, though not considered in the average front yard setback calculations by Code, the homes on the opposite side of the street appear to have front yard setbacks which are even less than the homes on the south side of the street (Key Plan on drawing A-1 prepared by Paul Russo, R.A. dated January 2022). Therefore, it would be fair to say that the block is characterized by homes which appear to be closer to the street than the

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required front yard setback for this property and most certainly closer to the street than the home located at 7 1st Street. The Board concludes that the construction of this new home as proposed is not anticipated to have an adverse impact on the character of the neighborhood.

2. The benefit to the applicant to construct a new home could be sought either by pushing the home further back on the property (which would require a variance for an insufficient rear yard setback) or by reducing the depth of the home. The Board does not find that these alternatives would result in a measurable improvement to the character of the neighborhood.
3. The variances could be considered substantial (a proposed front yard setback for the dwelling of 30' where 41.1' is required). However, in light of the minimal impact to the surrounding neighborhood as set forth in #1 above, the Board does not find the substantiality of this variance to be to be a factor which weighs in favor of denial.
4. The Board finds that granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty is self-created since the applicant is proposing to construct a new home which does not comply with the setback requirements of the code, but this by itself is not determinative.

REC'D TNH TOWN CLERK
AUG 18 '22 AM 9:33

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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
Manhasset, NY 11030
(516) 869-7667
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NOTICE OF DECISION

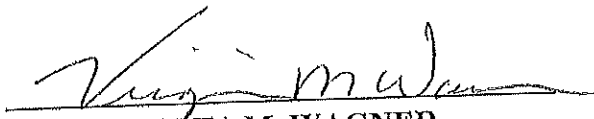
APPEAL 21261 - Antonio Ardochini; 3 Carey Street, Port Washington; Section 4, Block 34, Lot 240; Zoned Business-A
Variance from §70-202.1(c) to construct a replacement retaining wall that is too tall.

Whereas, an application (FILE #21-010695, BZA22-000066) 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 **August 10, 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 Thomas J. Bremen, LLS dated May 5, 2021 and on a survey prepared by Michael J. Rant, LPE dated February 8, 2022 and revised through March 22, 2022.

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

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


VIRGINIA M. WAGNER
SECRETARY

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Chairman
David L. Mammìna, 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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REC'D TOWN CLERK
AUG 19 2022

NOTICE OF DECISION

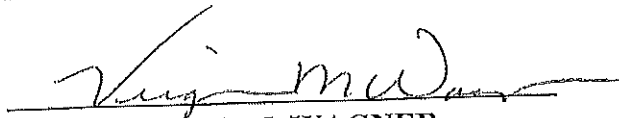
APPEAL #21262 – Diana Frank; 17 Elm Street, Roslyn Heights, Section 7, Block 7, Lot 675; Zoned Residence-C
Variances from §§ 70-100.1.B & 70-100.1.D to legalize a detached garage that is located too close to the rear property line and is located too close to the house on the adjacent property.

Whereas, an application (FILE #21-010695, BZA22-000066) 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 **August 10, 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 Dennis M. Mele, R.A. dated April 28, 2022 and revised through May 23, 2022 and on a survey prepared by Barry M. Fahrer dated April 20, 2022.

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

Motioned by:	Member Hernandez	Seconded by:	Member Donatelli
Ayes:	Member Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammìna		
Nays:	None		
Absent:	Member Goodsell		


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

210 Plandome Road
Manhasset, NY 11030
(516) 869-7667
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NOTICE OF DECISION

APPEAL #21264 - Kang Woojin; 922 North 6th Street, New Hyde Park; Section 8, Block 18, Lot 71; Zoned: Residence-C

Variance from 70-50.A to construct a second floor addition and portico that are too close to the street.

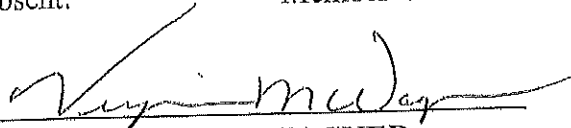
Whereas, an application (FILE #21-010695, BZA22-000066) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Simon D. Lee, P.E. dated June 9, 2021 and revised through February 7, 2022 **SUBJECT TO THE FOLLOWING CONDITION:**

The roof pitch shall be 4.5/12

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

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


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

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

NOTICE OF DECISION

APPEAL #21265 - Robert Brousseau; 103 Lynton Road, Albertson; Section 9, Block 110, Lot 21; Zoned: Residence-C

Variances from §§70-100.2(A)(4) and 70-100.2(A)(4)(b) to construct fencing that is too tall.

Whereas, an application (FILE #21-010695, BZA22-000066) 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 **August 10, 2022**, 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 Mark L. Diggory, L.S. dated November 24, 1950 *as annotated by the applicant and as amended by the BZA.*

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

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


VIRGINIA M. WAGNER
SECRETARY

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Chairman
David L. Mammmina, 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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CLERK'S OFFICE
AUG 11 2022

NOTICE OF DECISION

APPEAL #21266 – Kolady Thomas; 118 Stratford Rd., New Hyde Park, Section 9, Block 520, Lot 5; Zoned Residence-C

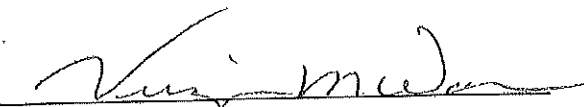
Variance from § 70-50.A to construct additions and a two-story portico that are too close to the street.

Whereas, an application (FILE #21-010695, BZA22-000066) 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 **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-50.A to construct a two-story portico too close to the street and **GRANTED** with respect to the variance sought under § 70-50.A to construct additions too close to the street of the dimension and in the location as shown on drawings prepared by Christopher L. Gray, R.A. dated January 4, 2022.

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

Motioned by:	Vice Chairman Francis	Seconded by: Member Hernandez
Ayes:	Member Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammmina	
Nays:	None	
Absent:	Member Goodsell	



VIRGINIA M. WAGNER
SECRETARY

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Chairman
David L. Mammìna, 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 #21268 – Barco Realty Cuttermill, LLC; 133 Cutter Mill Rd., Great Neck, Section 2, Block 305, Lot 16; Zoned Industrial-B

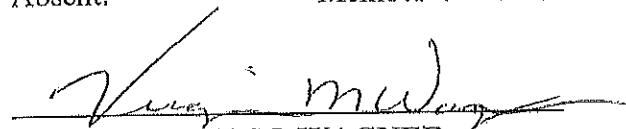
Variance from §70-196.J(1) to construct signs on a gas station canopy (not a permitted sign type)

Whereas, an application (FILE #21-010695, BZA22-000066) 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 **August 10, 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 Christopher Mark Tartaglia, P.E. dated March 8, 2022.

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

Motioned by:	Member Donatelli	Seconded by: Member Hernandez
Ayes:	Member Hernandez, Member Donatelli, Vice Chairman Francis, Chairman Mammìna	
Nays:	None	
Absent:	Member Goodsell	


VIRGINIA M. WAGNER
SECRETARY

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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

CORRECTED NOTICE OF DECISION

Whereas, an application (FILE #22-003282, BZA22-000062) 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 **August 10, 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 Thomas J. Bremen, LLS dated May 5, 2021 and on a survey prepared by Michael J. Rant, LPE dated February 8, 2022 and revised through March 22, 2022.

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

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Absent: Member Goodsell

VIRGINIA M. WAGNER
SECRETARY

SECRET

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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
Manhasset, NY 11030
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CORRECTED NOTICE OF DECISION

APPEAL #21262 – Diana Frank; 17 Elm Street, Roslyn Heights, Section 7, Block 7, Lot 675; Zoned Residence-C

Variances from §§ 70-100.1.B & 70-100.1.D to legalize a detached garage that is located too close to the rear property line and is located too close to the house on the adjacent property.

Whereas, an application (FILE #22-006621, BZA22-000087) 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 **August 10, 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 Dennis M. Mele, R.A. dated April 28, 2022 and revised through May 23, 2022 and on a survey prepared by Barry M. Fahrner dated April 20, 2022.

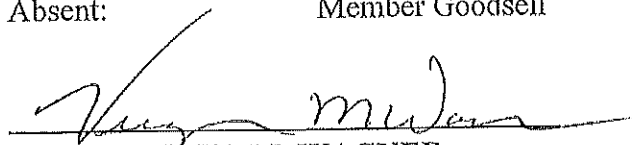
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

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

Nays: None

Absent: Member Goodsell


VIRGINIA M. WAGNER
SECRETARY

REC'D TOWN CLERK
APR 18 2022 PM 12:28

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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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CORRECTED NOTICE OF DECISION

APPEAL #21264 - Kang Woojin; 922 North 6th Street, New Hyde Park; Section 8, Block 18, Lot 71; Zoned: Residence-C
Variance from 70-50.A to construct a second floor addition and portico that are too close to the street.

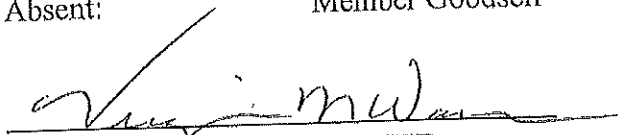
Whereas, an application (FILE #21-009504, BZA22-000088) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

GRANTED of the dimension and in the location as shown on drawings prepared by Simon D. Lee, P.E. dated June 9, 2021 and revised through February 7, 2022 **SUBJECT TO THE FOLLOWING CONDITION:**

The roof pitch shall be 4.5/12

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

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


VIRGINIA M. WAGNER
SECRETARY

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JUL 16 10 22 PM 12:25

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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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CORRECTED NOTICE OF DECISION

APPEAL #21265 - Robert Brousseau; 103 Lynton Road, Albertson; Section 9, Block 110, Lot 21; Zoned: Residence-C

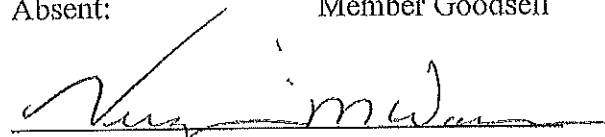
Variances from §§70-100.2(A)(4) and 70-100.2(A)(4)(b) to construct fencing that is too tall.

Whereas, an application (FILE #22-005601, BZA22-000079) 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 **August 10, 2022**, 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 Mark L. Diggory, L.S. dated November 24, 1950 *as annotated by the applicant and as amended by the BZA.*

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

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


VIRGINIA M. WAGNER
SECRETARY

REC'D TOWN CLERK
AUG 18 2022 PM 12:29

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

CORRECTED NOTICE OF DECISION

APPEAL #21266 – Kolady Thomas; 118 Strattford Rd., New Hyde Park, Section 9, Block 520, Lot 5; Zoned Residence-C

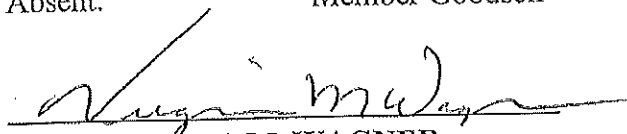
Variance from § 70-50.A to construct additions and a two-story portico that are too close to the street.

Whereas, an application (FILE #22-000103, BZA22-000086) 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 **August 10, 2022**, the appeal in the above-entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-50.A to construct a two-story portico too close to the street and **GRANTED** with respect to the variance sought under § 70-50.A to construct additions too close to the street of the dimension and in the location as shown on drawings prepared by Christopher L. Gray, R.A. dated January 4, 2022.

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

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


VIRGINIA M. WAGNER
SECRETARY

RECORDED
2022 AUG 10 PM 4:25

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

Vice Chairman
Leslie Francis, Esq.

Members
Daniel Donatelli, Esq.
Jay Hernandez
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CORRECTED NOTICE OF DECISION

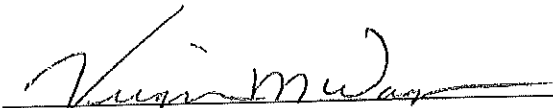
APPEAL #21268 – Barco Realty Cuttermill, LLC; 133 Cutter Mill Rd., Great Neck, Section 2, Block 305, Lot 16; Zoned Industrial-B
Variance from §70-196.J(1) to construct signs on a gas station canopy (not a permitted sign type)

Whereas, an application (FILE #22-004979, BZA22-000091) 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 **August 10, 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 Christopher Mark Tartaglia, P.E. dated March 8, 2022.

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

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


VIRGINIA M. WAGNER
SECRETARY

REC'D TOWN CLERK
AUG 10 2022 11:23

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