

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 OCTOBER 12, 2022

RESIDENTIAL CALENDAR

APPEAL #21293 - Xiaoduo Liu; 77 Nassau Road, Great Neck; Section 2, Block 51, Lot 13; Zoned: Residence-C

Variances from §§70-50.B and 70-208.F to construct an addition on a non-conforming building that is too close to the street (secondary front lot line)

APPEAL #21294 - Michael Levitt; 33 Crescent Rd., Port Washington; Section 6, Block 33, Lot 11; Zoned: Residence-A

Variances § 70-30(B) and 70-208(F) to construct an addition that will be too close to a street (secondary front lot line) on a non-conforming building .

APPEAL #21295 - Yitu Zhang; 53 Fairview Avenue, Port Washington; Section 6, Block 14, Lot 734; Zoned: Residence-C

Variance § 70-100.2(A)(2) to legalize fencing in a front yard.

APPEAL #21296- Clarence Domingo; 88 Greenway, New Hyde Park; Section 8, Block 209, Lot 38; Zoned: Residence-A

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

APPEAL #21297 - Gary Russell; 190 Urban Avenue, Westbury; Section 11, Block 28, Lot 20; Zoned: Residence-C

Variance §70-50.C to construct a 2nd story addition that is too close to the street.

COMMERCIAL CALENDAR

APPEAL #21288 – Manhasset 1577, LLC.; 1577-1595 Northern Blvd., Manhasset; Section 3, Block 181, Lots 171, 401 & 402; Zoned Business-A & Residence B

Conditional Uses §§ 70-126(A) and 70-126(H) and Variances from §§ 70-34, 70-103(A)(1), 70-103(B), 70-103(F), 70-103(O), 70-202.1(C), 70-203(G), 70-196.J(1)(a), 70-196.J(1)(b), and 70-196.J(2)B for parking spaces in a residence district (a conditional use), to construct interior alterations for a new restaurant (a conditional use) and site work requiring variances for a trash enclosure in a residence district (not a permitted use), not enough parking, parking spaces that are too small, no loading/unloading areas, parking aisles that are too small, retaining walls exceeding the permitted height, elimination of a required landscaped buffer, too many signs on a wall, a wall sign that is too big, and a ground sign that is too big.

APPEAL #21298 – Kura Sushi; 47 Old Country Rd., Carle Place; Section 9, Block 670, Lot 27; Zoned Industrial-B

Conditional Use § 70-187(P) and variance § 70-103(A)(1) to construct interior alterations to convert a commercial space into a restaurant (a conditional use) with insufficient off-street parking.

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 #21224 - Tony Parmar; 8 Carey Place, Port Washington; Section 4, Block 36, Lot 175; Zoned Business-A

Conditional use 70-126.D and variances from §§ 70-103.A, 70-103.F, 70-103.M, 70-103.O, 70-125, and 70-134 to construct a new warehouse (not a permitted use) to store automobiles (a conditional use) that is too close to the rear property line on a vacant lot with not enough parking & loading zones, parking within a front yard and a drive aisle that is too narrow.

Whereas, an application (CBP21-000258, BZA22-000041) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and

Whereas, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby establishes itself as "lead agency" and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **October 12, 2022** the appeal in the above-entitled matter was decided as follows:

The variance sought under § 70-125 is **DENIED** as moot (based on the submission of revised plans and a revised Notice of Disapproval) and the variances sought under §§ 70-103.A, 70-103.F, 70-103.M, 70-103.O, and 70-134 are **GRANTED** of the dimension and in the location as shown on drawings prepared by Brian M. Fiore, R.A. dated August 3, 2021 and revised through August 10, 2022.

THIS IS NOT A BUILDING PERMIT

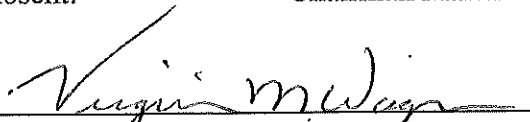
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Absent: Chairman Mammina



VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21256 – Tweezerman International, LLC; 2 Tri Harbor Court, Port Washington; Section 6, Block 89, Lot 57, Zoned: Planned Industrial Park
Variance from § 70-103.A to construct an addition to an industrial office building with not enough parking.

Whereas, an application (CBP21-000218, BZA22-000066) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and

Whereas, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby establishes itself as “lead agency” and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **October 12, 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 Rudolph S. Shatarah, LPE dated August 31, 2021 and revised through May 11, 2022 and on a survey prepared by Laurence Michael Haynes, LLS dated July 21, 2021.

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

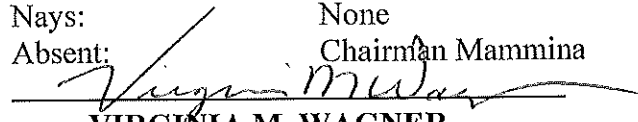
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Chairman Mammina


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21256

APPEAL #21256 – Tweezerman International, LLC; 2 Tri Harbor Court, Port Washington; Section 6, Block 89, Lot 57, Zoned: Planned Industrial Park
Variance from § 70-103.A to construct an addition to an industrial office building with not enough parking.

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 variance. This determination is supported by the parking study prepared by Robert M. Eschbacher, P.E. of VHB Engineers dated April 19, 2022 which concluded that adequate parking would be provided on-site in order to accommodate the expansion of the building.

The Board acknowledges several concerns that were raised by residents of property located at 53 Hewlett Lane in Flower Hill. The residents voiced concern over existing disturbances that occur as a result of noises from car alarms, trucks backing up and dumpsters being dropped off early in the morning (transcript page 149). Their concern is that if the requested variances are granted these nuisances will be exacerbated. While it is conceivable that these noises may be attributable to the operations of the industrial park as a whole, the neighbors provided no evidence to prove that these nuisances emanate from and are attributable to the subject property. The subject property is separated from 53 Hewlett Lane by property with an address of 26 Harbor Park Drive and there is approximately 270' separating the two properties. The neighbor also voiced concern regarding the future conversion of the landbanked parking area to a paved parking area. In requesting the variance for insufficient parking the Board notes that the applicant is attempting to develop the property with less parking than is required and thus less paved area. If the applicant were to create more parking spaces in order to alleviate the necessity

THIS IS NOT A BUILDING PERMIT

of a parking variance, a greater area of the site would need to be paved. This could involve the paving of spaces within the area designated as landbanked parking. Therefore, in granting the requested parking variance, the need to pave more area of the property and the need to develop the area designated for landbanked parking are minimized and any potential impacts that would result from over pavement are likewise minimized.

2. Although the applicant could develop additional parking on-site in order to eliminate the need for a parking variance, the Board finds that this would result in the unnecessary pavement of land on the property. Therefore, the Board finds that granting the requested variance, as supported by the applicant's parking study, is preferable to the creation of excess pavement on the property.
3. The variance could be considered substantial (proposed number of spaces is 129 where 217 are required, resulting in a deficiency of 88 parking spaces and representing a variance of approximately 40%). However, given the facts stated 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 variance 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 the addition which requires the parking variance but this fact by itself is not determinative.

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #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.

Whereas, an application (BP19-103378, BZA22-000032) 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 **October 12, 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 Chang Sugnam, R.A. dated December 31, 2021 **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. All parking spaces shall be for the use of employees of the businesses on-site and for the patrons/clients/customers of those businesses.*
- 2. The parking lot shall be maintained and kept free of litter and debris at all times.*
- 3. All karate studio student drop off and pick up shall take place on the subject property. There shall be no drop off and pick up of students on the adjacent residential streets.*

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

THIS IS NOT A BUILDING PERMIT

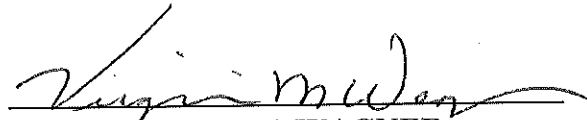
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

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

Nays: None

Absent: Chairman Mammina


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21269

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.

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. This variance was triggered by proposed improvements to the property's parking lot. The application to repave and restripe the parking lot with 3 less spaces than required by Town Code requires a variance. Since the use of the subject space as a karate studio was previously approved, and the proposed improvements are not affecting the parking requirement, the Board is limited in its evaluation to the impact of the reduced parking spaces under the criteria set forth in Section 267-b of the Town Law. Accordingly, 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. This determination is supported by the parking study prepared by Wayne Muller, P.E. of R&M Engineering dated June 23, 2022 and revised through September 27, 2022, which concluded that adequate parking would be provided on-site and in the surrounding area in order to accommodate the businesses at the site.

Several neighbors raised concerns about the appeal at the hearing and via correspondence submitted into the record for this appeal. One of the concerns is that the parking lot has not been maintained by the owner. However, the Board notes that the subject appeal, which involves the renovation of the parking lot, is in fact what gave rise to the requirement of the parking variance in the first place. Therefore, the applicant cannot renovate and improve the parking lot if the parking variance is not granted. For this reason the Board finds that granting the requested variance will potentially improve the character of the neighborhood. Condition #2 of this decision also addresses the concerns

THIS IS NOT A BUILDING PERMIT

of the neighbor by requiring the property owner to keep the property clean and free of litter and debris.

The Board also finds that condition #1 and condition #3 of this decision will mitigate other concerns raised by the neighbors. The neighbors raised concerns about leasing the parking spaces at the site to commuters which they say has occurred in the past. Condition #1 restricts parking to the employees and patrons of the businesses at the site. This condition also prohibits the leasing of parking spaces. Condition #3 requires that all students of the karate studio be dropped off and picked up within the property.

2. There is no alternative that exists that would not require a variance. The owner wishes to renovate the parking lot and has provided as many parking spaces as can fit on the property in order to accommodate the businesses at the site.
3. The Board does not find that this variance is substantial. The applicant is providing 17 spaces where 20 are required which represents a variance of 15%. It is likely that many of the karate students will be dropped off which means that the parking spaces will not even be occupied and if they are it will only be for a short time. While the Board acknowledges the neighbors' concerns regarding congestion on Hillcrest Avenue, the Board finds that the deficiency of 3 parking spaces will only have a negligible impact on the existing situation and will not further exacerbate existing conditions.
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 is proposing to improve the parking lot however, this fact by itself is not determinative.

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21277 - Christopher Ronan; 104 Lynton Road, Albertson; Section 9, Block 109, Lot 50; Zoned: Residence-C

Appeal for Determination and variances from §§ 70-51 and 70-52 to construct additions that are too close to the rear and side property lines.

Whereas, an application (RBP21-000262, BZA22-000093) 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 **October 12, 2022**, the appeal in the above-entitled matter was decided as follows:

The **appeal for determination** to review the decision of the Building Official is **GRANTED** (no variance is required under § 70-52) and the variances sought under § 70-51 are **GRANTED** of the dimension and in the location as shown on drawings prepared by Eric Reiner, R.A. dated December 16, 2020 and revised through July 13, 2022.

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

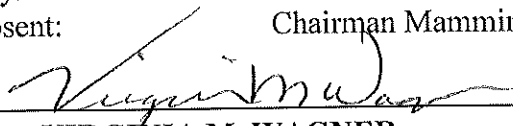
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None

Absent: Chairman Mammina


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21277

APPEAL #21277 - Christopher Ronan; 104 Lynton Road, Albertson; Section 9, Block 109, Lot 50; Zoned: Residence-C

Appeal for Determination and variances from §§70-51 and 70-52 to construct additions that are too close to the rear and side 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 § 70-52 based upon the record and the following facts:

1. Deputy Commissioner Norjen states the following in an e-mail to the Board dated September 28, 2022, "A review of the historic file shows that the diagonal lot line just to the rear of the existing dwelling was always treated as a side lot line.I would agree with the applicant that this diagonal lot line is a side lot line and not a rear lot line. I would recommend granting any Appeal for Determination that this is a side lot line and not a rear lot line."

Therefore, based upon the record in this case and the explanation provided by Deputy Commissioner Norjen, the Board hereby grants the Appeal for Determination finding that the subject lot line is in fact a side lot line and not a rear lot line. Based upon this determination the Board finds that a variance is now required pursuant to §70-51 for insufficient side yard setback from this lot line.

Variances sought under § 70-51

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:

THIS IS NOT A BUILDING PERMIT

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. The south side of the proposed second story addition partially faces the garage on the adjacent property at 110 Lynton Road and therefore, is not anticipated to impact this neighbor. In fact, this neighbor submitted a letter to the Board consenting to this application. The rear part of the proposed second story addition on the south side of the dwelling faces the backyard of the adjacent property at 131 Dorset. Given the small encroachment into the side yard on this side of the home it is not anticipated that granting the requested variances will have an adverse impact on this neighbor either.
2. Other than setting the second story back from the footprint of the first floor, there is no alternative the applicant could pursue which would not require a variance. The Board finds this to be an unnecessary modification to the plans which would not result in a significant reduction in potential adverse impacts.
3. The Board does not find that the side yard setback variance to construct the second story addition with a 4.8' side yard setback where 5' is required to be significant as it represents a variance of only 4%. The Board also does not find that the side yard setback variance to construct the second story addition with a 4.0 side yard setback where 5' is required to be significant because this is a minimum setback dimension which only occurs between the closest point of the corner of the home to the diagonal lot line. The setback between the home and the lot line increases as the lot line angles away from the home towards the west.
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 applicant chooses to construct an addition to their home. However, the Board acknowledges the unforeseen difficulty due to the property's irregular and unique lot lines and the owner's discovery after purchasing the home that the existing home does not comply with the required 5' setback.

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21289 – Fifth Avenue of L.I. Realty Association – Polo Ralph Lauren restaurant; 1970 Northern Blvd., Manhasset; Section 3, Block 219, Lot 10; Zoned Business-A

Conditional Use § 70-126(A) to convert a portion of a retail store to a restaurant (a conditional use) with indoor and outdoor seating (conversion of parking spaces to seating area).

Whereas, an application (CBP22-000184, BZA22-000118) 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 **October 12, 2022**, the appeal in the above-entitled matter was decided as follows **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

GRANTED of the dimension and in the location as shown on drawings prepared by Barry Michael Ludlow, R.A. dated May 18, 2022 and revised through September 30, 2022 **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

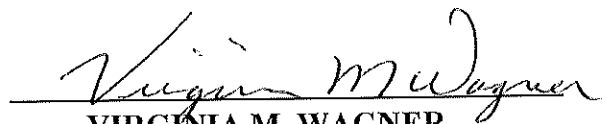
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Goodsell

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

Nays: None

Absent: Chairman Mammina


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21289

APPEAL #21289 – Fifth Avenue of L.I. Realty Association – Polo Ralph Lauren restaurant; 1970 Northern Blvd., Manhasset; Section 3, Block 219, Lot 10; Zoned Business-A

Conditional Use § 70-126(A) to convert a portion of a retail store to a restaurant (a conditional use) with indoor and outdoor seating (conversion of parking spaces to seating area).

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to approval and/or issuance of a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, and at every subsequent inspection following the issuance of said Place of Assembly or Place of Public Assembly License. All pick-up of sanitation shall be performed after 8:00 a.m.
2. That all exterior doors (with the exception of the primary customer entrance door) shall be of solid construction in a material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may the number of seats on the premises exceed **28** as depicted on the drawings prepared by Barry Michael Ludlow, R.A. dated May 18, 2022 and revised through September 30, 2022. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That the applicant shall obtain a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:

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

THIS IS NOT A BUILDING PERMIT

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

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

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21295 - Yitu Zhang; 53 Fairview Avenue, Port Washington; Section 6, Block 14, Lot 734; Zoned: Residence-C
Variance § 70-100.2(A)(2) to legalize fencing in a front yard.

Whereas, an application (RFP22-000281, BZA22-000128) 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 **October 12, 2022**, the appeal in the above-entitled matter was decided as follows:

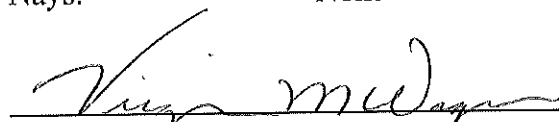
DENIED

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


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21297 - Gary Russell; 190 Urban Avenue, Westbury; Section 11, Block 28, Lot 20; Zoned: Residence-C

Variance §70-50.C to construct a 2nd story addition that is too close to the street.

Whereas, an application (RBP21-000621, BZA22-000129) 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 **October 12, 2022**, the appeal in the above-entitled matter was decided as follows:

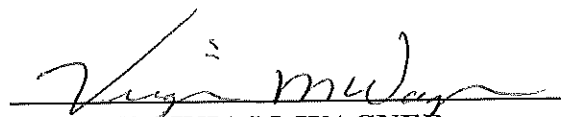
GRANTED of the dimension and in the location as shown on drawings prepared by Timothy John Costello, R.A. dated March 6, 2021 and revised through July 23, 2021.

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

Motioned by: Vice Chairman Francis Seconded by: Member Goodsell

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

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

Vice Chairman
Leslie Francis, Esq.

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

Town of North Hempstead



Board of Zoning Appeals

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

NOTICE OF DECISION

APPEAL #21298 – Kura Sushi; 47 Old Country Rd., Carle Place; Section 9, Block 670, Lot 27; Zoned Industrial-B

Conditional Use § 70-187(P) and variance § 70-103(A)(1) to construct interior alterations to convert a commercial space into a restaurant (a conditional use) with insufficient off-street parking.

Whereas, an application (CBP22-000199, BZA22-000125) 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 **October 12, 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 Nicholas J. Tricarico, R.A. dated May 31, 2022 and revised through July 6, 2022
SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER.

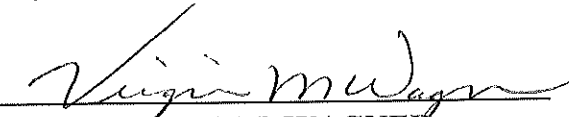
SEE ATTACHED RIDER

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

Motioned by: Member Donatelli Seconded by: Vice Chairman Francis

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

Nays: None


VIRGINIA M. WAGNER
SECRETARY

THIS IS NOT A BUILDING PERMIT

Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21298

APPEAL #21298 – Kura Sushi; 47 Old Country Rd., Carle Place; Section 9, Block 670, Lot 27; Zoned Industrial-B

Conditional Use § 70-187(P) and variance § 70-103(A)(1) to construct interior alterations to convert a commercial space into a restaurant (a conditional use) with insufficient off-street parking.

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to approval and/or issuance of a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, and at every subsequent inspection following the issuance of said Place of Assembly or Place of Public Assembly License. All pick-up of sanitation shall be performed after 8:00 a.m.
2. That all exterior doors (with the exception of the primary customer entrance door) shall be of solid construction in a material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may the number of seats on the premises exceed 109 as depicted on the drawings prepared by Nicholas J. Tricarico, R.A. dated May 31, 2022 and revised through July 6, 2022. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That the applicant shall obtain a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code §70-225B(7)(a). Any restaurant or retail food use must apply to the board of Zoning and Appeals if any of the following occurs:

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

THIS IS NOT A BUILDING PERMIT

- [2]. The addition or removal of counter/kiosk service for the placement of a food order.
7. That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

THIS IS NOT A BUILDING PERMIT

Town of North Hempstead

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

Vice Chairman
Leslie Francis, Esq.

Members
David I. Levine, Esq.
Daniel D. Donatelli, Esq.
Jay Hernandez



Board of Zoning Appeals

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

October 18, 2022

VIA ELECTRONIC MAIL

Kulbir Zoria.
26 Albertson Parkway
Albertson, NY

RE: Appeal No. #20798
Kulbir Zoria, 26 Albertson Parkway, Albertson

Dear Mr. Zoria,

Our office has received your request for an extension of time to obtain a building permit for the variance(s) originally granted on October 16, 2019. At its meeting on October 12, 2022 the Board of Zoning Appeals granted this request pursuant to §70-219.1 of the Town Code, thereby extending the decision for one year. The new deadline to obtain a building permit is October 12, 2023.

If you will not be able to obtain a permit within this new time period, please notify this office well in advance of the deadline. Please note that applicants are limited to a maximum of three one-year extensions (this is the 1st request).

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

Virginia M. Wagner
Secretary

THIS IS NOT A BUILDING PERMIT