

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 NOVEMBER 9, 2022

RESIDENTIAL CALENDAR

APPEAL #21302- Anton Ditchev; 102 Barwick Street, Floral Park; Section 8, Block 66, Lot 107; Zoned: Residence-C

Variance from §70-50.A to construct additions that are too close to the street.

APPEAL #21238 – Christopher Barone; 95 Hilldale Rd., Albertson, Section 9, Block 119, Lot 4; Zoned Residence-B

Variances from §§ 70-100.2.A(4) and 70-40.C to legalize a fence that is too tall and to construct a portico and addition which are too close to the street.

COMMERCIAL CALENDAR

APPEAL #21303 – 76 Hillside Avenue; 76 Hillside Avenue, Manhasset, Section 3, Block 48, Lot 13; Zoned Business-B

Variances from § 70-103(P) and 70-203(G) to convert a residence to an office with parking spaces which are not “open air” spaces and with no provision of a required landscaped buffer.

APPEAL #21304 – Park East LLC (Casa De Catrina); 223 Old Country Rd., Carle Place, Section 10, Block N, Lot 274; Zoned Industrial-B

Conditional Use 70-187(P) and Variance from § 70-103(A)(1) to convert an existing restaurant to a new restaurant (a conditional use) with not enough parking.

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TO: TOWN CLERK
FROM: Virginia Wagner, Secretary
CC: Building Dept.
DATE: November 16, 2022
RE: BZA Decisions for November 9, 2022

Appeal No.	Name	Sec.	Blk.	Lots
21238	Christopher Barone	9	119	4
21294	Michael Levitt	6	33	11
21300	Melissa Faraguna	9	558	4
21302	Anna Dichev	8	66	107
21304	Park East LLC (Casa De Catrina)	10	N	274

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NOTICE OF DECISION

APPEAL #21238 – Christopher Barone; 95 Hilldale Rd., Albertson, Section 9, Block 119, Lot 4; Zoned Residence-B

Variances from §§ 70-100.2.A(4) and 70-40.C to legalize a fence that is too tall and to construct a portico and addition which are too close to the street.

Whereas, an application (RBP21-000251, RFP22-000122, BZA22-000137) 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 **November 9, 2022**, the appeal in the above-entitled matter was decided as follows:

DENIED with respect to the variance sought under § 70-100.2.A(4) to legalize a fence that is too tall and **GRANTED** with respect to the variances sought under §§ 70-40.C to construct a portico and addition which are too close to the street of the dimension and in the location as shown on drawings prepared by Brian M. Fiore, R.A. dated March 8, 2021 and revised through August 22, 2022.

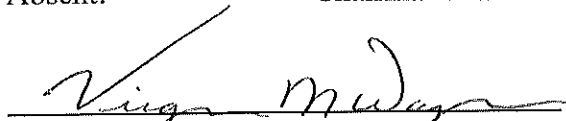
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Hernandez

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

Nays: None

Absent: Chairman Mammina


VIRGINIA M. WAGNER
SECRETARY

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NOTICE OF DECISION

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.

Whereas, an application (RBP22-000366, BZA22-000121) 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 **November 9, 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 Janice Lynn Miller, R.A. dated April 19, 2022 and revised through November 2, 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: Member Hernandez

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

Nays: None

Absent: Chairman, Mammina


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Board of Zoning Appeals

Town of North Hempstead

Findings of Fact for Appeal # 21294

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.

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. The Board finds that granting the variances sought by the applicant to allow construction of an addition that will be too close to a street (secondary front lot line) on an existing non-conforming home, are the minimum variances necessary which will achieve the benefit the applicant is seeking. The applicant has demonstrated that the addition is necessary in order to allow for the creation of a proper functioning kitchen on an older home. Since the kitchen is on the side of the home closes to the secondary front yard, it would be impossible to expand the existing kitchen without the necessity of variances. In making this determination the Board notes the unique topography of the property (the house is at a lower elevation than the street and neighboring property to the south) which will make the addition to the home appear less obtrusive to the surrounding neighborhood.

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NOTICE OF DECISION

APPEAL #21300 - Melissa Faraguna; 11 Herbert Drive, New Hyde Park; Section 9, Block 558, Lot 4; Zoned: Residence-C

Variances from §§70-51.A and 70-101.B to construct additions that are too close to the side property line and with less than the required total side yards and to construct a portico that is too close to the street.

Whereas, an application (RFP22-000409, BZA22-000130) 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 **November 9, 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 Bernard Rodgers, R.A. dated January 20, 2022 and revised through July 11, 2022.

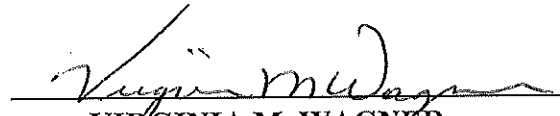
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

Ayes: Member Goodsell, Member Donatelli, Acting Chairman Francis

Nays: None

Absent: Chairman Mammina, Member Hernandez


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NOTICE OF DECISION

APPEAL #21302- Anton Ditchev; 102 Barwick Street, Floral Park; Section 8, Block 66, Lot 107; Zoned: Residence-C

Variance from §70-50.A to construct additions that are too close to the street.

Whereas, an application (RFP22-000511, BZA22-000138) 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 **November 9, 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 Demetris Demetriou, R.A, dated May 19, 2022 and revised through August 1, 2022.

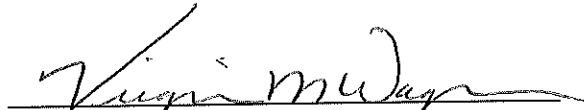
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell Seconded by: Member Donatelli

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

Nays: None

Absent: Chairman Mammina


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NOTICE OF DECISION

APPEAL #21304 – Park East LLC (Casa De Catrina); 223 Old Country Rd., Carle Place, Section 10, Block N, Lot 274; Zoned Industrial-B

Conditional Use 70-187(P) and Variance from § 70-103(A)(1) to convert an existing restaurant to a new restaurant (a conditional use) with not enough parking.

Whereas, an application (CBP22-000289 BZA22-000135) 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 **November 9, 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 Edward Paul Butt, R.A. dated August 31, 2022 and revised through September 15, 2022
SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER

SEE ATTACHED RIDER

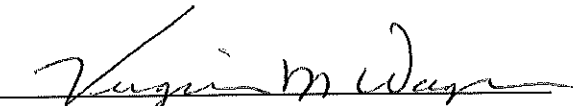
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli Seconded by: Member Hernandez

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

Nays: None

Absent: Chairman Mammina


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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 21304

APPEAL #21304 – Park East LLC (Casa De Catrina); 223 Old Country Rd., Carle Place, Section 10, Block N, Lot 274; Zoned Industrial-B

Conditional Use 70-187(P) and Variance from § 70-103(A)(1) to convert an existing restaurant to a new restaurant (a conditional use) with not enough 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 78 as depicted on the drawings prepared by Edward Paul Butt, R.A. dated August 31, 2022 and revised through September 15, 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.
 - [2]. The addition or removal of counter/kiosk service for the placement of a food order.

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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.

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