

BOARD OF APPEALS
VILLAGE OF NORTH HILLS
ONE SHELTER ROCK ROAD
NORTH HILLS, NEW YORK

March 28, 2023
7:30 pm

PRESENT: Douglas Weigler, Chair
Philip Goodman, Deputy Chair
Anthony Lobosco, Bruce Spenadel, Michael Strauss,
Members
Ray Dispaltro, Alternate Member
Wendy Russo, Deputy Village Clerk
Peter Cinquemani, Superintendent of Building Department
A. Thomas Levin, Village Attorney

ABSENT: Howard Fox, Alternate Member

The Chair announced that the next regular meetings of the Board would be April 25, 2023 and May 23, 2023, each at 7:30 pm.

The full Board being present, Mr. Dispaltro participated in all discussions, but did not vote except as indicated in these minutes.

The Chair opened the public hearing for Case 22-12za, Northwell Health, Inc., for variances with regard to premises 600 Community Drive, Manhasset. Michael Sahn, Esq. and Joseph Bjarnson, Esq. appeared for the applicant. The minutes of the hearing were transcribed stenographically, and are on file with these minutes. After hearing all interested persons, on motion by Mr. Lobosco, seconded by Mr. Goodman and adopted unanimously, the Board closed the public hearing and reserved decision.

The Chair opened the continued public hearing with respect to Application #22-09za, Application of Laguardia Steel, LLC, for variances in relation to three proposed ground signs. Larry Buscemi appeared for the applicant. The minutes of the hearing were transcribed stenographically and are on file with these minutes. The Board noted

the amendments to the application which had been made after the prior hearing. After hearing all interested persons with respect to the amended application, the hearing was closed, and decision reserved, on motion by Mr. Lobosco, seconded by Mr. Goodman, and adopted unanimously.

The Chair recused himself with respect to consideration of Case 23-02za, Spruce Pond Condominium, and left the podium. As Deputy Chair, Mr. Goodman presided over, and Mr. Dispaltro participated in all aspects of this matter. The Deputy Chair opened the public hearing with respect to Case 23-02za. Bruce Migatz, Esq. appeared for the applicant. The minutes of the hearing were transcribed stenographically, and are on file with these minutes. After hearing all interested persons, on motion by Mr. Strauss, seconded by Mr. Lobosco and adopted unanimously, the Board closed the public hearing and reserved decision.

The Chair returned to the podium, and presided over the meeting.

The Chair opened the public hearing with respect to Case 23-04za, Toll Northeast V Corp., for variances and special accessory use permit to permit a swimming pool and fence at 29 Sequoia Circle. Henry Sombke, L.A., appeared for the applicant. The minutes of the hearing were transcribed stenographically, and are on file with these minutes. During the hearing, Mr. Sombke was advised of a condition imposed at the time of Planning Board subdivision approval that no variances could be sought with respect to this development without prior approval of the Planning Board. At the applicant's request, and on motion duly made, seconded and adopted unanimously, all portions of this application as request variances were severed and deferred until such time as the applicant obtained Planning Board approval to apply for

such variances. The hearing continued only with respect to the request for a special use accessory permit for a swimming pool and fence. After hearing all interested persons, on motion by Mr. Strauss, seconded by Mr. Goodman and adopted unanimously, the Board closed the public hearing and reserved decision.

The Chair opened the public hearing with respect to Case 23-06za, application of Michael and Rosanne Breen, 9 Cherrywood Lane, Manhasset, New York, for variances requested for reconstruction of a dwelling damaged by casualty. Michael James Palladino R.A. appeared for the applicant. The minutes of the hearing were transcribed stenographically, and are on file with these minutes. After hearing all interested persons, on motion by Mr. Spenadel, seconded by Mr. Lobosco and adopted unanimously, the Board closed the public hearing and reserved decision.

The Board discussed Case 23-06za. On motion by Mr. Lobosco, seconded by Mr. Strauss and adopted unanimously, acting pursuant to Village Code §215-44.1, the Board granted the application in all respects, on the conditions that all required permits be obtained within six months from this date, and that all required certificates of occupancy be obtained within one year from the date of issuance of the building permit.

On motion by Mr. Spenadel, seconded by Mr. Strauss and adopted unanimously, the Board convened in executive session at 9:40 pm to obtain legal advice from the Village Attorney. The Board returned to public session at 9:50 pm, on motion by Mr. Lobosco, seconded by Mr. Spenadel, and adopted unanimously.

The Board discussed Case 22-12za, application of Northwell Health, Inc. On motion by Mr. Spenadel, seconded by Mr. Lobosco and adopted unanimously, acting pursuant to Village Code §215-44.1, the Board (a) noted that pursuant to the Village

Code, this action, which involves more than ten (10) parking spaces, has been previously classified as a Type I Action, concluded that the proposed action would not have a significant adverse environmental impact, and issued a SEQRA Negative Declaration, and (b) granted the application on the following conditions: (i) the applicant shall comply with all previous approvals for this site, except as modified in this decision by this Board, or as may be modified by the Village Planning Board in site plan approval, (ii) the applicant shall obtain any required site plan approval from the Planning Board, and comply with a Traffic Management Plan to be approved by the Village Planning Board at the time of such site plan approval, including reasonable provisions as to parking layout, aisles, direction and other control of traffic, signage, lighting and other related regulation, (iii) the applicant shall take active steps, satisfactory to the Village Building Department, to assure that no parking shall take place on the subject site except for vehicles of persons then engaged in uses or occupancies on the subject property, (iv) should the Village Building Department determine that conditions or usage of the property are such that there is insufficient parking on the site, the Board of Appeals or Planning Board, after a public hearing, may require implementation of a reasonable plan for valet parking at the property, (v) the proportion of the subject premises used for medical office uses shall not be increased except as requested in this application and authorized by this approval (i.e. 68% of the building office space), (vi) except in cases of emergency, the use of the premises shall be limited to business or medical office use conducted during the period between 7:30 am to 8 pm on any day, (vii) the relief authorized by this determination shall remain valid and in effect only so long as the premises are owned and occupied by a single user, and (viii) all required

permits shall be obtained within twelve months from this date, and all required certificates of occupancy or completion shall be obtained within one year from the date of issuance of the building permit,

The Board discussed Case 23-03a, Board of Managers of Spruce Pond Condominium. The Chair recused himself from this discussion and did not participate. Mr. Dispaltro participated in place of the Chair. Mr. Goodman presided over the discussion of this application. On motion by Mr. Spenadel, seconded by Mr. Lobosco and adopted unanimously, acting pursuant to Village Code §215-44.1, the Board (a) determined that the proposed action is a Type II action pursuant to SEQRA, as which no environmental impact review is required, and (b) granted the application in all respects, on condition that all required permits be obtained within six months from this date, and that all required certificates of occupancy or completion shall be obtained within one year from the date of issuance of the building permit.

The Chair presided over the remainder of the meeting.

The Board discussed Case 23-04za, Toll Northeast V Corp. On motion by Mr. Strauss, seconded by Mr. Spenadel, and adopted unanimously, acting pursuant to Village Code §215-44.1, the Board granted so much of the application as sought special use accessory permits for a swimming pool and fence, on condition that all required permits be obtained within six months from this date, and that all required certificates of occupancy or completion shall be obtained within one year from the date of issuance of the building permit. The remainder of the application, seeking variances, was deferred pursuant to vote during the hearing, for resumed public hearing at the request of the applicant upon obtaining Planning Board permission to make application for variances.

The Board discussed Case 22-09za. LaGuardia Steel LLC, as amended. On motion by Mr. Lobosco, seconded by Mr. Goodman and adopted by vote of four in favor and the Chair opposed, acting pursuant to Village Code §215-44.1, the Board (a) determined that the proposed action is an Unlisted Action pursuant to SEQRA, which would have no significant adverse environmental impacts, as a result of which the Board issued a Negative Declaration, and (b) granted the amended application in all respects, on condition that (a) no signs be illuminated between the hours of 7 pm on any day and 7 am the following day, and (b) all required permits shall be obtained within six months from this date, and that all required certificates of occupancy or completion shall be obtained within one year from the date of issuance of the building permit.

There being no further business, the meeting was adjourned at 10:20 pm on motion by Mr. Lobosco, seconded by Mr. Goodman, and adopted unanimously.

**THE ABOVE MINUTES WERE FILED IN
THE OFFICE OF THE VILLAGE CLERK
OF THE INCORPORATED VILLAGE OF
NORTH HILLS AT**

TIME: 9:54 (A.M.) P.M.

DATE: 4/14, 2023

W. Russo

APR 14 2023
VILLAGE CLERK'S OFFICE
NORTH HILLS VILLAGE