

**APPEAL #21348 – 1285 NORTHERN BOULEVARD LLC  
SUBMISSION OF THE NORGATE CIVIC ASSOCIATION**

The Norgate Civic Association, also known by its acronym “the NCA,” is an unincorporated voluntary association of homeowners of property in the residential subdivision known as Norgate at Manhasset and on the portion of Dennis Street east of its intersection with Norgate Road. The NCA has served the community since it was founded in 1938.

The appeal before the BZA by 1285 Northern Boulevard LLC concerns three lots in the Business A District (Section 3, Block 53, Lots 38, 54, and 942) and one in the Residence C District (Lot 53). The lots zoned Business A formed the place of business of the Manhasset Funeral Home, dba Sunset Chapels. Some 19 lots within the territory served by the NCA abut or adjoin the three lots zoned Business A.

Lot 53 is one of the original properties of the Norgate subdivision and was improved with a one family home until the former owners of Sunset Chapels purchased it, let it go to wrack and ruin, and finally razed it about a decade ago. It is now a vacant lot at the center of the main route through Norgate and is surrounded by trees and brush that form a view and sound barrier that protects the community from the lights, noise, and traffic generated by the businesses on Northern Boulevard. It is a perfectly good residential lot and our preference is that it be redeveloped with a new one-family home. However, it is owned by the applicant in common with the three commercial lots and forms a part of the overall development site. Since it appears that redevelopment of Lot 53 with a residence is not to be, our desire is that it retain its residential zoning and that it be used as part of a buffer zone to protect Norgate and its residents.

We have had extensive talks and site visits with the applicant’s principal, Mr. John Burns, and his team that are detailed in our community newsletter, the Norgate News, a copy of which is attached. He has made substantial changes to the applicant’s plans to accommodate our concerns. We believe that under his management, the applicant will prove to be a good neighbor and steward of Lot 53, but because the requested variances and conditional use permit could substantially affect Norgate, we would like to briefly express the NCA’s views.

The issues before you concern requests for certain variances and a conditional use permit to allow the operation of an automobile dealership on the three commercial lots. The Building Department’s notice of disapproval and the applicant’s requests involve the following:

1. A variance from the provisions of North Hempstead Code § 70-103(A)(1) regarding off-street parking. The code requires 94 spaces; the plans provide only 72. We do not have the expertise to offer an opinion on whether the proposed spaces will be sufficient to meet the need generated by the new facility; that is where your experience and expertise come to play. We would call your attention to the following:
  - a. Tax assessment records reveal that the present single-story funeral home building on Lots 38 and 942 is 6,841 sq. ft. in size and is perhaps 25 feet high. The proposed new showroom is 26,741 sq. ft. in size, some 3.9 times larger, and 39.5 feet in height. It is huge and the architectural plans call for 11 offices (some capable of serving multiple employees), 2 conference rooms, numerous desks for salespersons, and 20 multi-person seating areas for prospective customers. Mr. Burns told us that he expects staff occupancy to be no more than 25 to 30 persons and that he expects 25 or so customer visits per day, a total of about 55. That leaves approximately 17 parking stalls open to accommodate fluctuations in occupancy. However, a question exists as to whether test-drive vehicles would be parked in any of the provided stalls.
  - b. Norgate is immediately adjacent to the Manhasset USFD secondary school campus and within a short walk of the Manhasset LIRR station. We have had frequent parking violators in the past. We cannot accommodate overflow parking from the BMW dealership.
  - c. If you grant the parking variance, you might use your power under Town Law § 267-b(4) to impose conditions limiting the number of staff at the new facility to no more than 30, and confining test-drive vehicles to vehicle display areas.
2. A variance from the provisions of North Hempstead Code § 70-103(F) requiring an off-street loading and unloading area. We have no objection to this variance provided it is conditioned upon a requirement that there be no delivery of vehicles by truck or car carrier and that all stock be driven to the site singly.
3. A variance from the provisions of North Hempstead Code § 70-132(A) for vehicle display areas in front-yard setbacks. No objection, provided that is where test-drive vehicles are to be located.
4. A conditional use permit under North Hempstead Code § 70-126(D) for an automobile dealership with outdoor display of vehicles. We request the BZA to impose, among other

things, reasonable conditions to insure adequate off-street parking, thereby preventing overflow parking on Norgate streets, and to protect the viewshed from Norgate towards the south and east by requiring adequate landscaped setbacks and fencing. If the BZA has any doubt about the grave importance of buffering along that viewshed, especially in light of the fact that the plans call for the removal of numerous trees and bushes and their replacement with new landscaping, we ask that board members visit the site from the Norgate side to see it from our perspective.

5. A variance from the provisions of North Hempstead Code § 70-203(G) for failure to provide a landscaped 15-foot buffer along the western and northern lot lines abutting Lot 53. The disapproval is incorrect as to the northern line; one is provided, but a variance is needed along the western boundary of Lot 38. Under the plan, the required buffer will be placed on Lot 53. No objection, provided that if the use as an automobile dealership ceases, the buffer be restored onto Lot 38.
6. A variance from the provisions of North Hempstead Code § 70-203(B), essentially because the dumpster is not located more than 120 feet from the front property line. We think it is in a good place, far from homes in Norgate. The plans call for an appropriate enclosure. No objection to the variance.
7. A variance from the provisions of North Hempstead Code § 70-299(A) for failure to comply with a BZA decision requiring compliance with a 1954 declaration of covenants and restrictions burdening Lot 54. We respectfully submit that it is not within the province of the BZA under Town Law § 267-b to grant a variance from covenants and restrictions required by the Town Board in 1954 for the benefit of Norgate. We are in the process of negotiating new covenants and restrictions to replace the old that will require the agreement of the applicant, the Town Board, and the NCA in accordance with the terms of the 1954 instrument.

Dated: Manhasset, New York  
February 15, 2023

Respectfully submitted,

THE NORGATE CIVIC ASSOCIATION

By: Connie Bruno, President  
Divya Verma, Secretary  
James E. Pelzer, Treasurer