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David L. Mammìna, A.I.A.

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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 #21348 – 1285 Northern Boulevard, LLC (BMW of Manhasset); 1275 & 1285 Northern Blvd. and 22 Norgate Rd., Manhasset, Section 3, Block 53, Lots 38, 53, 54 & 942; Zoned Business-A/Residence C

Conditional use § 70-126(D) and Variances §§ 70-103(A)(1), 70-103(F), 70-132(A), 70-203(G), 70-212(B), and 70-229(A) to construct a new one-story building for use as an automobile dealership which is a conditional use (parking, storage and sale of automobiles) with not enough parking, no loading or unloading areas, with no landscaped buffer against an adjoining residential district, with storage of vehicles too close to the front property line (with no screening provided) and within the required front yard, and not in compliance with a prior BZA decision (not in compliance with restrictive covenant).

Whereas, an application (CBP22-000186, BZA23-000007) 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 **March 22, 2023**, 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 W. Robinson, P.E. dated April 29, 2022 and revised through October 26, 2022 and on drawings prepared by Gregory Basmajian, R.A. dated January 6, 2023 **SUBJECT TO THE MODIFICATION OF A DECLARATION OF RESTRICTIVE COVENANTS DATED FEBRUARY 5, 1954 FILED IN THE NASSAU COUNTY CLERKS OFFICE AT DEED 5477 PAGE 315 AND SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER.**

SEE ATTACHED RIDER

THIS IS NOT A BUILDING PERMIT

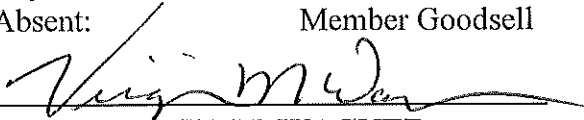
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez Seconded by: Member Donatelli

Ayes: Member 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

Rider to Appeal # 21348 (Conditions)

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1. The parking area designated on the plans prepared by Christopher W. Robinson, P.E. dated April 29, 2022 and revised through October 26, 2022 and on drawings prepared by Gregory Basmajian, R.A. dated January 6, 2023, shall remain available at all times for employees and patrons of the business. At no time shall this parking area be utilized for the storage of automobiles for sale or for the display of automobiles.
2. The 15' landscape buffer provided on the adjacent residential property (Section 3, Block 53, lot 53) shall remain, and shall be required, so long as a variance is required under 70-203(G) of the Code for the use of the subject premises. The existence of the landscape buffer on the residential property (Section 3, Block 53, lot 53) shall preclude the ability of this property to be developed with a residential home so long as the buffer remains. These restrictions shall apply until and unless the property owner or his/her representatives makes an application to redevelop the portion of the business zoned lot in a manner which complies with the buffer requirements of 70-203(G).
3. There shall be no test driving of automobiles within the adjacent residential neighborhoods.
4. No car carriers/tractor trailer trucks shall be allowed in the northern portion of the parking lot (northeast of the property line identified by a metes and bounds description of (S88°46'30"E, 150.32').

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