

**Incorporated Village of Valley Stream
123 South Central Avenue
Valley Stream, New York 11580
Board of Zoning and Appeals
516-592-5142**

**MINUTES OF THE BOARD OF APPEALS
April 16, 2024**

Case No. M/D 1-93

Jin Hua Wong, 24 East Saint Marks Place, Valley Stream, New York

Re: 24 East Saint Marks Place, Valley Stream, New York

Application pursuant to Chapter 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit

The subject premises is located on the south side of East Saint Marks Place, 100' west of the corner formed by the intersection of North Grove Street and East Saint Marks Place known as No. 24 East Saint Marks Place, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. M/D 1-06

Farah Faruqui, 412 Hendrickson Avenue, Valley Stream, New York

Re: 412 Hendrickson Avenue, Valley Stream, New York

Application pursuant to Chapter 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit

The subject premises is located on the south side of Hendrickson Avenue, 80.45' west of the corner formed by the intersection of Haven Avenue and Hendrickson Avenue known as No. 412 Hendrickson Avenue, Valley Stream, New York.

RESERVED FOR WRITTEN DECISION

Case No. M/D 2-03

Yolanda Bryan, 57 Merrick Court, Valley Stream, New York

Re: 57 Merrick Court, Valley Stream, New York

Application pursuant to Chapter 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit

The subject premises is located on the north side of Merrick Court, 100' west of the corner formed by the intersection of Boden Avenue and Merrick Court known as No. 57 Merrick Court, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes

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Case No. M/D 1-12

Vilas Patel, 80 Roosevelt Avenue, Valley Stream, New York

Re: 80 Roosevelt Avenue, Valley Stream, New York

Application pursuant to Ch. 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit.

The subject premises is located on the south side of Roosevelt Avenue, 158.70' west of the corner formed by the intersection of Avondale Street and Roosevelt Avenue known as No. 80 Roosevelt Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. M/D 3-03

David Westmeier, 13 Haven Avenue, Valley Stream, New York

Re: 13 Haven Avenue, Valley Stream, New York

Application pursuant to Chapter 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit.

The subject premises is located on the east side of haven Avenue, 120' north of the corner formed by the intersection of Rose Avenue and Haven Avenue known as No. 13 Haven Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

Case No. M/D 6-07

Elizabeth Joy, 34 Ballard Avenue, Valley Stream, New York

Re: 34 Ballard Avenue, Valley Stream, New York

Application pursuant to Chapter 99, Article XXI, Section 99-2101 of the Code of the Village of Valley Stream for a three- year extension of time to an existing Mother/ Daughter Special Use Permit.

The subject premises is located on the west side of Ballard Avenue, 150' south of the corner formed by the intersection of Wallace Court and Ballard Avenue known as No. 34 Ballard Avenue, Valley Stream, New York.

RESERVED FOR WRITTEN DECISION

**Incorporated Village of Valley Stream
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Case No. 4207

Oscar Rivera, 77 Carroll Avenue, Valley Stream, New York

Re: 77 Carroll Avenue, Valley Stream, New York

Application for a Variation from Section 99-904.A, Section 99-904.B.1.b, Section 99-902.A.4 and Section 99-902.A.5 of the Code of the Village of Valley Stream to construct a 2nd story addition and a 2- story portico with interior alterations.

Section 99-904.A of the Code of the Village of Valley Stream requires porticos above the 1st floor level of the dwelling to have a minimum front yard setback of 25 feet; whereas, proposed 2-story portico has a front yard setback of 21.67 feet.

Section 99-904.B.1.b of the Code of the Village of Valley Stream requires dwellings to have a minimum aggregate width of both side yard setbacks of 15 feet; whereas, proposed aggregate width of side yard setbacks of 2nd story addition is 14.9 feet.

Section 99-902.A.4 of the Code of the Village of Valley Stream requires a maximum floor area ratio of 0.5; whereas, proposed floor area ratio is 0.6.

Section 99-902.A.5 of the Code of the Village of Valley Stream requires a minimum open space ratio of 150%; whereas, proposed open space ratio is 113.56%.

The subject premises is located on the east side of Carroll Avenue, 180' north of the corner formed by the intersection of Brown Street and Carroll Avenue known as No. 77 Carroll Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS A TYPE II ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Frusci

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. 4210

Baldev Singh, 81 Spring Garden Street, Valley Stream, New York

Re: 81 Spring Garden Street, Valley Stream, New York

Application for a Variation from Section 99-1502.B of the Code of the Village of Valley Stream to maintain/ legalize masonry porch and awning.

Section 99-1502.B of the Code of the Village of Valley Stream allows for 6 feet encroachment into the 25 feet front yard setback; whereas, the Masonry Porch and Awning is encroaching 11 feet into the required front yard setback.

The subject premises is located on the north side of Spring Garden Street, 180.91' east of the corner formed by the intersection of Arlington Avenue and Spring Garden Street known as No. 81 Spring Garden Street, Valley Stream, New York.

MR. PIZZOLO MADE A MOTION TO CLASSIFY THIS APPLICATION AS A TYPE II ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. DeLucie

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- no
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. 4214

Reema Faiz, 207 Rockaway Parkway, Valley Stream, New York

Re: 207 Rockaway Parkway, Valley Stream, New York

Application for a Variation from Section 99-904.A, Section 99-904.B.1.b, Section 99-1502.B and Section 99-2205 of the Code of the Village of Valley Stream to construct a 2 ½ story single family dwelling with attached garage.

Section 99-904.A of the Code of the Village of Valley Stream requires dwellings and porticos above the 1st story to have a minimum front yard setback of 25 feet; whereas, proposed front yard setback of new dwelling is 18 feet.

Section 99-904.B.1.b of the Code of the Village of Valley Stream requires dwellings to have a minimum aggregate width of both side yard setbacks of 15 feet; whereas, proposed aggregate width of both side yard setbacks of new dwelling is 14.66 feet.

Section 99-1502.B of the Code of the Village of Valley Stream requires unenclosed porches to not encroach more than 6 feet into the required front yard setback; whereas, proposed front unenclosed porch encroaches 11 feet into the required front yard setback.

Section 99-2205 of the Code of the Village of Valley Stream requires the ingress and egress to/from permitted off-street parking spaces to be designed to cause the least amount of impact to the vehicular and pedestrian traffic on the streets and sidewalks servicing such areas. The proposed configuration of the curb-depression and driveway is such that excessive vehicle maneuvering may be required for safe ingress and egress to/from off-street parking areas, and, has the potential to have a negative impact on the vehicular and pedestrian traffic on the adjacent streets and sidewalks.

The subject premises is located on the east side of Rockaway Parkway, 50' north of the corner formed by the intersection of East Dover Street and Rockaway Parkway known as No. 207 Rockaway Parkway, Valley Stream, New York.

MR. PIZZOLO MADE A MOTION TO CLASSIFY THIS APPLICATION AS A TYPE II ACTION UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. DeLucie

ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes

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Case No. 4215

Reema Faiz, 207 Rockaway Parkway, Valley Stream, New York

Re: 207 Rockaway Parkway, Valley Stream, New York

Application for Final Site Development Plan Review/ Approval per Article XXVII of the Code of the Village of Valley Stream.

The subject premises is located on the east side of Rockaway Parkway, 50' north of the corner formed by the intersection of East Dover Street and Rockaway Parkway known as No. 207 Rockaway Parkway, Valley Stream, New York.

MR. PIZZOLO MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. DeLucie

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. 4216

Astoria Pacific LLC, 26 Aldgate Drive East, Manhasset, New York

Re: 41-43 Rockaway Avenue, Valley Stream, New York

Application for a Variation from Section 99-2202.C and Section 99-2203.D.1.a of the Code of the Village of Valley Stream to alter off- street parking plan and provide additional screening.

Board of Appeals Case Numbers 3919 and 3920 granted a parking variance from Section 99-2202.C of the code of the Village of Valley Stream to allow for 13 total off- street parking spaces be provided; whereas, only 10 off- street parking spaces are provided.

Section 99-2203.D.1.a of the Code of the Village of Valley Stream requires off-street parking spaces to have minimum dimensions of 9 feet in width by 20 feet in length; whereas, proposed off-street parking spaces have dimensions of 9 feet in width by 16 feet in length.

The subject premises is located on the southeast corner of Rockaway Avenue formed by the intersection of East Lincoln Avenue and Rockaway Avenue known as No. 41-43 Rockaway Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes

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Case No. 4217

Astoria Pacific LLC, 26 Aldgate Drive East, Manhasset, New York

Re: 41-43 Rockaway Avenue, Valley Stream, New York

Application for Final Site Development Plan Review/ Approval per Article XXVII of the Code of the Village of Valley Stream.

The subject premises is located on the southeast corner of Rockaway Avenue formed by the intersection of East Lincoln Avenue and Rockaway Avenue known as No. 41-43 Rockaway Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

**ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes**

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Case No. 4218

102-110 Rockaway Realty LLC, 21 Railroad Avenue, Valley Stream, New York

Re: 104 Rockaway Avenue, Valley Stream, New York

Application for a Special Use Permit from Section 99-2008.B.24.i and Application for a Variation from Section 99-2202.C of the Code of the Village of Valley Stream to expand existing restaurant/ tavern and increase occupant load.

Section 99-2008.B.24.i of the Code of the Village of Valley Stream requires restaurants/taverns that constitute a place of public assembly, as defined by this chapter, or provide cabaret-type entertainment to obtain a separate special use permit for each use that applies. The proposed restaurant/tavern use is proposing to include cabaret-type entertainment, and, now constitutes a place of public assembly due to the proposed occupant load increase to the spaces therein.

Section 99-2202.C of the Code of the Village of Valley Stream requires existing uses that are enlarged or altered to comply with the off street parking requirements of this chapter. The proposed increased occupant load of the existing restaurant/tavern use requires 21 additional off street parking spaces be provided, for a total of 39 spaces required for proposed use; whereas, no existing or additional off-street parking is provided. Note: previous Board of Appeals case # 3741 granted an off-street parking variance of 18 spaces.

The subject premises is located on the west side of Rockaway Avenue, 45' north of the corner formed by the intersection of West Mineola Avenue and Rockaway Avenue known as No. 104 Rockaway Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE WITH CONDITIONS SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Panzarino

1. Gas heaters are not permitted in the outside rear patio area;
2. The establishment must close no later than 3 AM on Fridays and Saturdays; and
3. The outside rear patio must close no later than 1 AM each day.

ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes

Incorporated Village of Valley Stream
123 South Central Avenue
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Case No. 4219

102-110 Rockaway Realty LLC, 21 Railroad Avenue, Valley Stream, New York

Re: 104 Rockaway Avenue, Valley Stream, New York

Application for Final Site Development Plan Review/ Approval per Article XXVII of the Code of the Village of Valley Stream.

The subject premises is located on the west side of Rockaway Avenue, 45' north of the corner formed by the intersection of West Mineola Avenue and Rockaway Avenue known as No. 104 Rockaway Avenue, Valley Stream, New York.

MR. DELUCIE MADE A MOTION TO CLASSIFY THIS APPLICATION AS AN UNLISTED UNDER THE MEANING OF SEQRA WHICH IS HEREBY DETERMINED NOT TO HAVE SIGNIFICANT IMPACT ON THE ENVIRONMENT AND TO APPROVE WITH CONDITIONS SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Panzarino

1. Gas heaters are not permitted in the outside rear patio area;
2. The establishment must close no later than 3 AM on Fridays and Saturdays; and
3. The outside rear patio must close no later than 1 AM each day.

ROLL CALL: Mr. Bond- yes
Mr. Frusci- yes
Mr. Pizzolo- yes
Mr. DeLucie- yes
Mr. Panzarino- yes

Upon a motion by Mr. Pizzolo, seconded by Mr. Panzarino and unanimously carried the meeting was adjourned at 7:15 p.m.

Jennifer Minori
Secretary to Board of Appeals