

**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
August 16, 2022**

Case No. 4117

Shakhawat Hafiz, 129 West Valley Stream Blvd., Valley Stream, New York

Re: 129 West Valley Stream Blvd., Valley Stream, New York

Application for a Variation from Section 99-1602.B.3, Section 99-2205.A.3 and Section 99-2205.B.2 of the Code of the Village of Valley Stream to construct a front roofed- over unenclosed porch and expand driveway and curb- cut depression.

Section 99-1602.B.3 of the Code of the Village of Valley Stream requires decks at the first floor level which exceeds 30 inches in height above grade and are located at and around a doorway to not be larger than 100 square feet in area (excluding 16 square feet for stairs and one landing); whereas, proposed deck is at the first floor level, is 32 inches in height above grade, is to be installed at and around a doorway, and is 127.93 square feet in area (including stairs and platform exclusion).

Section 99-2205.A.3 of the Code of the Village of Valley Stream requires an aggregate width of all curb-cuts (curb depression and splay) to not exceed 40% of the total frontage width; whereas, proposed curb- cut is 50% of the total lot frontage width.

Section 99-2205.B.2 of the Code of the Village of Valley Stream requires no vehicle be parked in any required front yard setback; whereas, proposed driveway is to be accessorially expanded into the required front yard setback north- westerly, and vehicle parking is proposed thereon.

The subject premises is located on the north side of West Valley Stream Blvd, 100' west of the corner formed by the intersection of Payan Avenue and West Valley Stream Blvd. known as No. 129 West Valley Stream Blvd., 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 PLAN REVISIONS DEMONSTRATING COMPLIANCE WITH SECTION 99-2205.A.3 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. 4119

Oscar Alvarez, 77 Birch Lane, Valley Stream, New York

Re: 77 Birch Lane, Valley Stream, New York

Application for a Variation from Section 99-904.B.3.b, Section 99-904.C.2.b and Section 99-903.B.3 of the Code of the Village of Valley Stream to maintain 150 square feet shed and roof over patio around shed in rear yard.

Section 99-904.B.3.b of the Code of the Village of Valley Stream requires 2 feet side yard setback for detached accessory buildings or structures, whereas, maintained Shed and Patio is 1.2 feet and .12 feet from side property line.

Section 99-904.C.2.b of the Code of the Village of Valley Stream requires 2 feet rear yard setback for detached accessory buildings or structures; whereas, maintained Patio is 1.83 feet from rear property line.

Section 99-903.B.3 of the Code of the Village of Valley Stream requires height of all accessory structures cannot exceed 10 feet in height, whereas, maintained Shed is 11 feet in height.

The subject premises is located on the south side of Birch Lane, 199.36' west of the corner formed by the intersection of Elmwood Street and Birch Lane known as No. 77 Birch Lane, 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. 4120

Nelson Ponce, 451 West Valley Stream Blvd., Valley Stream, New York

Re: 451 West Valley Stream Blvd., Valley Stream, New York

Application for a Variation from Section 99-2205.B.2 and Section 99-902.A.3 of the Code of the Village of Valley Stream to construct an additional curb- depression with accessory paved area for vehicle parking.

Section 99-2205.B.2 of the Code of the Village of Valley Stream requires no vehicle be parked in the required front yard setback; whereas, proposed accessory paved area is located, in part, within the front yard area along Union Street, and vehicle parking is proposed thereon.

Section 99-902.A.3 of the Code of the Village of Valley Stream requires a maximum rear yard coverage by aggregate building area of accessory buildings and structures of 30%; whereas, proposed total rear yard coverage by accessory paved area and accessory concrete patio/walkways surfaces is 55.77%.

The subject premises is located on the northwest corner of West Valley Stream Blvd. formed by the intersection of Union Street and West Valley Stream Blvd. known as No. 451 West Valley Stream Blvd., 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. Pizzolo

1. Applicant shall make an application to the Village under Chapter 90 of the Village Code if curb side tree has to be removed/ replaced for proposed curb cut on Union Street.

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

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Case No. 4121

Nelson Ponce, 451 West Valley Stream Blvd., Valley Stream, New York

Re: 451 West Valley Stream Blvd., Valley Stream, New York

Application for a Variation from Section 99-2205.B.2 and Section 99-2205 of the Code of the Village of Valley Stream to maintain accessory pavers area extension to existing driveway used for vehicle parking.

Section 99-2205.B.2 of the Code of the Village of Valley Stream requires no vehicle to be parked in the required front yard setback; whereas, existing driveway has been extended accessorially Westerly by pavers, and is located within the required front yard setback along W. Valley Stream Blvd - and vehicle parking is proposed thereon.

Section 99-2205 of the Code of the Village of Valley Stream requires ingress and egress to off-street parking areas to cause the least amount of impact on vehicular and pedestrian traffic on the adjacent streets and sidewalks. Proposed parking and curb-cut configuration, along W. Valley Stream Blvd, is such that atypical vehicular maneuvering is required for ingress and egress to off-street parking area, and has the potential to negatively impact the vehicle and pedestrian traffic on the adjacent street and sidewalk.

The subject premises is located on the northwest corner of West Valley Stream Blvd. formed by the intersection of Union Street and West Valley Stream Blvd. known as No. 451 West Valley Stream Blvd., 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. Pizzolo

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

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Case No. 4124

James Mitchell, 21 Ethel Street, Valley Stream, New York

Re: 21 Ethel Street, Valley Stream, New York

Application for a Variation from Section 99-902.A.2, Section 99-902.A.3, Section 99-1502.B, Section 99-904.B.3.b and Section 99-904.C.2.b of the Code of the Village of Valley Stream to maintain accessory concrete surfaces in rear/ side yards and exterior stairway to cellar.

Section 99-902.A.2 of the Code of the Village of Valley Stream requires a maximum lot coverage by aggregate building area of all buildings and structures of 60%; whereas, proposed lot coverage by existing and proposed buildings and structures is 84%.

Section 99-902.A.3 of the Code of the Village of Valley Stream requires a maximum rear yard coverage by aggregate building area of accessory buildings and structures of 30%; whereas, proposed rear yard coverage by existing and proposed accessory buildings and structures is 99%.

Section 99-1502.B of the Code of the Village of Valley Stream requires accessory patios and porticos to have a 6 feet maximum encroachment into the required front yard setback; whereas, proposed concrete patio surface, and portico, encroach: 7.4 feet, and 20 feet, respectively, into the required front yard setback.

Section 99-904.B.3.b of the Code of the Village of Valley Stream requires detached accessory structures to have a minimum side yard setback of 2 feet; whereas, proposed accessory concrete patio surfaces are located on the West and East side property lines - no setback.

Section 99-904.C.2.b of the Code of the Village of Valley Stream requires detached accessory structures to have a minimum rear yard setback of 2 feet; whereas, proposed accessory concrete patio surfaces are located on the rear property line - no setback.

The subject premises is located on the north side of Ethel Street, 147.23' west of the corner formed by the intersection of North Central Avenue and Ethel Street known as No. 21 Ethel 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 MR. PIZZOLO MADE A MOTION TO DENY THIS APPLICATION, 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. 4125

James Mitchell, 21 Ethel Street, Valley Stream, New York

Re: 21 Ethel Street, Valley Stream, New York

Application for a Variation from Section 99-902.A.4, Section 99-902.A.5 and Section 99-904.B.1.a of the Code of the Village of Valley Stream to construct a 2nd story addition to an existing single- family dwelling.

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 in 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 103.5%.

Section 99-904.B.1.a of the Code of the Village of Valley Stream requires dwellings to have a minimum side yard setback not less than 10% of existing lot width when a lot is less than 50 feet wide; existing lot width is 45 feet, therefore, minimum side yard setback shall be 4.5 feet; whereas, proposed side yard setback of 2nd story addition is 3.9 feet at west side property line.

The subject premises is located on the north side of Ethel Street, 147.23' west of the corner formed by the intersection of North Central Avenue and Ethel Street known as No. 21 Ethel 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 MR. PIZZOLO MADE A MOTION TO DENY THIS APPLICATION, SECONDED BY MR. DELUCIE

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

Upon a motion by Mr. Panzarino, seconded by Mr. Pizzolo and unanimously carried the meeting was adjourned at 8:20 p.m.

Jennifer Minori
Secretary to Board of Appeals