

**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
February 20, 2024**

Case No. M/D 2-97

Sherry Soto, 81 Carl Street, Valley Stream, New York

Re: 81 Carl Street, 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 west side of Carl Street, 207.81' south of the corner formed by the intersection of Dogwood Road and Carl Street known as No. 81 Carl Street, 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 14-05

Julia Acevedo, 130 East Melrose Street, Valley Stream, New York

Re: 130 East Melrose Street, 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 East Melrose Street, 153.84' east of the corner formed by the intersection of Emerson Place and East Melrose Street known as No. 130 East Melrose Street, Valley Stream, New York.

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

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 1-03

Elizabeth Munoz, 101 Bucknell Road, Valley Stream, New York

Re: 101 Bucknell Road, 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 Bucknell Road, 40' north of the corner formed by the intersection of West Valley Stream Blvd. and Bucknell Road known as No. 101 Bucknell Road, 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 17-05

Yoldie Francois, 44 Spring Garden Street, Valley Stream, New York

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

Re: 44 Spring Garden Street, 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 Spring Garden Street, 98.32' west of the corner formed by the intersection of Arlington Avenue and Spring Garden Street known as No. 44 Spring Garden Street, 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. 4201

Fabio Garcia, 422 Rockaway Parkway, Valley Stream, New York

Re: 422 Rockaway Parkway, Valley Stream, New York

Application for a Variation from Section 99- 1802.E of the Code of the Village of Valley Stream to erect a 6' fence.

Section 99- 1802.E of the Code of the Village of Valley Stream requires a through lot to comply with fence regulations for front yard areas for each yard of the lot which is adjacent to the street not to exceed 3' in height; whereas, proposed fence is 6' in height. Fences not exceeding 4' in height shall be permitted along all other lot lines and yard areas; whereas, proposed fence is 6' in height

The subject premises is located on the west side of Rockaway Parkway, 82.75' south of the corner formed by the intersection of Morris Parkway and Rockaway Parkway known as No. 422 Rockaway Parkway, 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 WITH CONDITION SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

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

SECONDED BY: Mr. Pizzolo

1. Top 1' of 6' fence must be lattice along Rockaway Parkway.

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

Case No. 4205

Reuben Mindali, 35 Martens Avenue, Valley Stream, New York

Re: 35 Martens Avenue, Valley Stream, New York

Application for a Variation from Section 99-904.A, Section 99-904.B.1.a, Section 99-904.B.1.b and Section 99-1502.B of the Code of the Village of Valley Stream to construct a 2nd story addition with a front portico.

Section 99-904.A of the Code of the Village of Valley Stream requires dwellings to have a minimum front yard setback of 25 feet; whereas, proposed front yard setback of 2nd story addition is 20.08 feet.

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 the lot width - when lot is less than 50 feet wide. Existing lot width is 40 feet; therefore, the minimum side yard setback of dwelling shall be 4 feet; whereas, proposed side yard setback of 2nd story addition is 3.95 feet at West side property line.

Section 99-904.B.1.b of the Code of the Village of Valley Stream requires a minimum aggregate width of both side yard setbacks of 15 feet; whereas, proposed aggregate width of both side yard setbacks of 2nd story addition is 12.33 feet.

Section 99-1502.B of the Code of the Village of Valley Stream requires porticos to not encroach more than 6 feet into the required front yard setback; whereas, proposed portico encroaches 7.9 feet into the required front yard setback.

The subject premises is located on the north side of Martens Avenue, 300.62' west of the corner formed by the intersection of Benedict Avenue and Martens Avenue known as No. 35 Martens 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.

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

SECONDED BY: Mr. Panzarino

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

Case No. 4197

L.I. Assets LLC, Igor Ilyabayev, 82-46 214th Street, Hollis Hills, New York

Re: 125 North Central Avenue, Valley Stream, New York

Application for a Variation from Section 99- 1204.b.2.a of the Code of the Village of Valley Stream to maintain a constructed exterior stairway, as part of an application to construct interior alterations and renovate existing parking lot.

Section 99-1204.b.2.a of the Code of the Village of Valley Stream requires accessory structures to have a minimum rear/side yard setback of 10 feet when property line is located on a zoning district boundary line; whereas, proposed exterior stairway has a rear/side yard setback of 3.25 feet, and 8.5 feet at the property line which separates zoning districts: "C-1" and "R-1".

The subject premise is located on the northeast Corner of North Central Avenue formed by the interaction of Sapir Street and North Central Avenue known as No. 125 North Central 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 WITH CONDITIONS SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

1. The proposed emergency lighting shall only be used as emergency lighting, and to the extent possible, shall be directed away from the abutting residence(s) and residential zone to mitigate impacts therefrom.
2. No later than August 1, 2024, the Applicant shall submit construction drawings to the Building Department that demonstrate compliance with construction safety and fire standards established by the New York State Fire Code, Building and Construction Code, Nassau County Department of Health, Nassau County Department of Public Works, and/or Nassau County Fire Marshal for the work proposed under Building Permit Application No. B-24-43. No building permit shall be issued until absolute compliance has been proven to the Building Department.

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

3. The Applicant shall comply with all rules, regulations and laws prescribed by any county, state or federal agency having jurisdiction apply, and compliance with such regulations shall be required. No final Certificate of Occupancy/Completion shall be issued until absolute compliance has been proven to the Village Building Department.
4. The Applicants shall obtain any local Village, county, state and/or federal approvals required for the proposed work under Building Permit Application No. B-24-43 prior to the issuance of a final Certificate of Occupancy or Completion.
5. If the proposed work under Building Permit Application No. B-24-43 results in any change(s) to the approved site plan herein, the Applicant shall apply to this Board to amend the site plan approval.
6. The site plan approval and variance(s) set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the Applicant is not in compliance with these conditions, then the site plan approval and the variance(s) shall terminate, and the Applicant must make a new application to the Board in order to continue the uses at the subject premises.

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

Case No. 4198

L.I. Assets LLC, Igor Ilyabayev, 82-46 214th Street, Hollis Hills, New York

Re: 125 North Central 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 premise is located on the northeast Corner of North Central Avenue formed by the interaction of Sapir Street and North Central Avenue known as No. 125 North Central 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 WITH CONDITIONS SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Pizzolo

1. The proposed emergency lighting shall only be used as emergency lighting, and to the extent possible, shall be directed away from the abutting residence(s) and residential zone to mitigate impacts therefrom.

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

2. No later than August 1, 2024, the Applicant shall submit construction drawings to the Building Department that demonstrate compliance with construction safety and fire standards established by the New York State Fire Code, Building and Construction Code, Nassau County Department of Health, Nassau County Department of Public Works, and/or Nassau County Fire Marshal for the work proposed under Building Permit Application No. B-24-43. No building permit shall be issued until absolute compliance has been proven to the Building Department.
3. The Applicant shall comply with all rules, regulations and laws prescribed by any county, state or federal agency having jurisdiction apply, and compliance with such regulations shall be required. No final Certificate of Occupancy/Completion shall be issued until absolute compliance has been proven to the Village Building Department.
4. The Applicants shall obtain any local Village, county, state and/or federal approvals required for the proposed work under Building Permit Application No. B-24-43 prior to the issuance of a final Certificate of Occupancy or Completion.
5. If the proposed work under Building Permit Application No. B-24-43 results in any change(s) to the approved site plan herein, the Applicant shall apply to this Board to amend the site plan approval.
6. The site plan approval and variance(s) set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the Applicant is not in compliance with these conditions, then the site plan approval and the variance(s) shall terminate, and the Applicant must make a new application to the Board in order to continue the uses at the subject premises.

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

Case No. 4188

Krishna Seepersad, 115 East Maujer Street, Valley Stream, New York

Re: 115 East Maujer Street, Valley Stream, New York

Application for a Variation from Section 99-1802.D of the Code of the Village of Valley Stream to erect a fence.

Section 99-1802.D of the Code of the Village of Valley Stream requires a corner lot to comply with fence regulations for front yard areas on each property line and yard which is adjacent to a street not to exceed 3 feet in height; whereas, proposed fence is 4 feet and 5 feet in height. Fences not exceeding 4 feet in height shall be permitted along all other lot lines and yard areas; whereas, proposed fence is 5 feet in height.

The subject premises is located on the northwest corner of East Maujer Street formed by the intersection of Albermarle Avenue and East Maujer Street known as No. 115 East Maujer Street, Valley Stream, New York.

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

UPON A MOTION BY MR. DELUCIE, SECONDED BY MR. PANZARINO AND UNANIMOUSLY CARRIED THE BOARD GRANTED THE APPLICANT'S REQUEST TO WITHDRAW APPEAL NO. 4188.

Case No's 3852/ 3853

Vincent Belluccia, 180 Lefferts Road, Woodmere, New York

Re: 950 Rockaway Avenue, Valley Stream, New York

Correspondence received from owner requesting an extension of time to obtain a building permit.

UPON A MOTION BY MR. DELUCIE, SECONDED BY MR. PANZARINO AND UNANIMOUSLY CARRIED THE BOARD APPROVED A 12 MONTH EXTENSION OF TIME TO SEPTEMBER 20, 2024.

Case No's 4152/ 4153

Rayyan Gardens LLC, 156 North Central Avenue, Valley Stream, New York

Re: 156 North Central Avenue, Valley Stream, New York

Correspondence received from applicant's attorney requesting an extension of time to obtain a building permit.

UPON A MOTION BY MR. DELUCIE, SECONDED BY MR. PANZARINO AND UNANIMOUSLY CARRIED THE BOARD GRANTED A 12 MONTH EXTENSION OF TIME TO MARCH 28, 2025.

Case No's 4158/ 4159

BRFI Valley Stream LLC, 1611 San Vicente Blvd. Suite 900, Los Angeles, California

Re: 330 West Sunrise Highway, Valley Stream, New York

Correspondence received from applicant's attorney requesting an extension of time to obtain a building permit.

UPON A MOTION BY MR. FRUSCI, SECONDED BY MR. DELUCIE AND UNANIMOUSLY CARRIED THE BOARD APPROVED A 12 MONTH EXTENSION OF TIME TO MARCH 28, 2025.

Upon a motion by Mr. Pizzolo, seconded by Mr. Panzarino and unanimously carried the meeting was adjourned at 7:05 p.m.

Jennifer Minori

Secretary to Board of Appeals