

**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
March 28, 2023**

Case No. 4148

Patricia McBean, 219 Fir Street, Valley Stream, New York

Re: 219 Fir Street, Valley Stream, New York

Application for a Variation from Section 99-904.A, Section 99-904.B.3.b, Section 99-904.C.2.b, Section 99-902.A.3 and Section 99-902.A.2 of the Code of the Village of Valley Stream to maintain pavers/ concrete patio for driveway and yard, maintain front raised deck, maintain rear awning and maintain cellar stairs.

Section 99-904 A of the Code of the Village of Valley Stream requires a front setback of 25' from the front property line; whereas, maintained pavers are up to front property line.

Section 99-904 B.3.b of the Code of the Village of Valley Stream requires a 2' side setback for detached accessory buildings and structures; whereas, maintained pavers are up to the side property line.

Section 99-904 C.2.b of the Code of the Village of Valley Stream requires a 2' rear setback for detached accessory buildings and structures, whereas, maintained pavers are up to rear property line.

Section 99-902 A.3 of the Code of the Village of Valley Stream requires a maximum rear yard coverage of 40% for accessory buildings and structures, whereas, rear yard coverage is approximately 94 %.

Section 99-902 A.2 of the Code of the Village of Valley Stream requires a maximum yard coverage of 60% for all buildings and structures, whereas, yard coverage is approximately 93%.

The subject premises is located on the north side of Fir Street, 150' west of the corner formed by the intersection of Broadway and Fir Street known as No. 219 Fir 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 WITH CONDITION SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Panzarino

1. Parking is prohibited on the walkway.

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

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Case No. 4152

Rayyan Gardens LLC, Asim Rashis, 1061 Luhman Terrace, Secaucus, New Jersey

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

Application for a Variation from Section 99-1202.3, Section 99-1204.A.2, Section 99-1204.A.3, Section 99-2202.B, Section 99-2205.B.2, Section 99-2203.D.1.a and Section 99-3404.B.1 of the Code of the Village of Valley Stream to construct a 3- story multiple- family dwelling and alter associated lot.

Section 99-1202.3 of the Code of the Village of Valley Stream requires a minimum lot area of 9,000 square feet to accommodate 6 dwelling units; whereas, existing lot is only 7,469 square feet.

Section 99-1204.A.2 of the Code of the Village of Valley Stream requires multiple-family dwellings to have a minimum side yard setback of 10 feet on each side, and an aggregate side yard setback of 20 feet; whereas, proposed side yard setbacks on each side of multiple-family dwelling is only 6 feet, and 6.67 feet, and the aggregate side yard setback width is only 12.67 feet.

Section 99-1204.A.3 of the Code of the Village of Valley Stream requires multiple-family dwellings to have a minimum rear yard setback of 20 feet; whereas, proposed multiple-family dwelling has a rear yard setback of 15 feet.

Section 99-2202.B of the Code of the Village of Valley Stream requires new buildings and uses to comply with the off-street parking requirements of this chapter. Proposed use and configuration of dwelling units requires 12 total off-street parking spaces be provided; whereas, only 10 off-street parking spaces are proposed.

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, subject proposed off-street parking spaces are located within the required front yard setback buffer.

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 17.5 feet in length.

Section 99-3404.B.1 of the Code of the Village of Valley Stream prohibits the use of building materials that appear temporary, or artificial, such as aluminum; whereas, proposed exterior building finishes, in part, are to be aluminum panels, and appear temporary or artificial.

The subject premises is located on the west side of North Central Avenue, 102.75' north of the corner formed by the intersection of Hoffman Street and North Central Avenue known as No. 156 North Central Avenue, Valley Stream, New York.

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MR. PIZZOLO 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 CONDITION SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Frusci

1. Disposal of garbage/ refuge must comply with sanitation code requirements.

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

Case No. 4153

Rayyan Gardens LLC, Asim Rashis, 1061 Luhman Terrace, Secaucus, New Jersey

Re: 156 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 premises is located on the west side of North Central Avenue, 102.75' north of the corner formed by the intersection of Hoffman Street and North Central Avenue known as No. 156 North Central Avenue, Valley Stream, New York.

MR. PIZZOLO 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 CONDITION SUBJECT TO FINAL APPROVAL BY THIS BOARD OF THE WRITTEN DECISION.

SECONDED BY: Mr. Frusci

1. Disposal of garbage/ refuge must comply with sanitation code requirements.

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

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Case No. 4154

Marshel Management, Richard Marshel, 118 E. 28th Street, Suite 205, New York, New York

Re: 137 East Merrick Road, Valley Stream, New York

Application for Final Site Development Plan Review/ Approval per Article XXVII of the Code of the Village of Valley Stream to erect a commercial freestanding sign.

The subject premises is located on the north side of East Merrick Road, 200' east of the corner formed by the intersection of Emerson Place and East Merrick Road known as No. 137 East Merrick 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**

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Case No. 4155

Alexandro Reyes, 16 Viola Street, Valley Stream, New York

Re: 16 Viola Street, Valley Stream, New York

Application for a Variation/ Special Use Permit from Section 99-2403.A.1.a of the Code of the Village of Valley Stream maintain expansion of non- conforming 2- family dwelling use by a cellar expansion, and by an attached accessory roofed- over open porch as part of an application to maintain interior alterations, exterior stairways to cellar and construct new accessory egress wells from cellar.

Section 99-2403.A.1.a of the Code of the Village of Valley Stream requires special use permit approval from the Board of Appeals to expand non-conforming uses not exceeding 25% of the existing gross floor area of the building; whereas, existing 2-family dwelling use is a non-conforming use in an R-1 zoning district, and is proposed to be expanded a total of 27.6% of the existing gross floor area of the building.

The subject premises is located on the south side of Viola Street, 100' east of the corner formed by the intersection of Liberty Blvd. and Viola Street known as No. 16 Viola Street, Valley Stream, New York.

MR. FRUSCI 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- yes
Mr. Pizzolo- yes
Mr. DeLucie- no
Mr. Panzarino- yes**

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Case No. 4156

Alexandro Reyes, 16 Viola Street, Valley Stream, New York

Re: 16 Viola Street, Valley Stream, New York

Application for a Variation/ Special Use Permit from Section 99-2403.A.1.a of the Code of the Village of Valley Stream to expand existing non-conforming 2-family dwelling use by 1st floor and 2nd floor additions- as part of an application to construct interior alterations.

Section 99-2403.A.1.a of the Code of the Village of Valley Stream requires special use permit approval from the Board of Appeals to expand non-conforming uses not exceeding 25% of the existing gross floor area of the building; whereas, existing 2-family dwelling use is a non-conforming use in an R-1 zoning district, and is proposed to be expanded a total of 50.38% of the existing gross floor area of the building.

The subject premises is located on the south side of Viola Street, 100' east of the corner formed by the intersection of Liberty Blvd. and Viola Street known as No. 16 Viola Street, Valley Stream, New York.

MR. FRUSCI 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- yes
Mr. Pizzolo- yes
Mr. DeLucie- no
Mr. Panzarino- yes**

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Case No. 4158

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

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

Application for a Variation from Section 99-2301.B of the Code of the Village of Valley Stream to construct a 1- story commercial building for business (bank) use with drive- thru operation, and improve site for parking lot and vehicle circulation.

Section 99-2301.B of the Code of the Village of Valley Stream requires established uses to comply with the off street loading requirements of this chapter. The proposed building/use requires (1) off street loading space be provided in accordance with section 99-2303; whereas, no off street loading space is provided.

The subject premises is located on the south side of West Sunrise Highway, 223.37' east of the corner formed by the intersection of Green Acres Road and West Sunrise Highway known as No. 330 West Sunrise Highway, 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. 4159

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

Re: 330 West Sunrise Highway, 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 south side of West Sunrise Highway, 223.37' east of the corner formed by the intersection of Green Acres Road and West Sunrise Highway known as No. 330 West Sunrise Highway, 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. 4102

West Jamaica Holdings LLC, 12 West Lincoln Avenue, Valley Stream, New York

Re: 54 & 68 West Jamaica Avenue, Valley Stream, New York

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

UPON A MOTION BY MR. DELUCIE, SECONDED BY MR. PIZZOLO AND UNANIMOUSLY CARRIED THE BOARD APPROVAL A 6 MONTH EXTENSION OF TIME TO JANUARY 20, 2024.

Case No's 3807/ 3808

105 Franklin Realty LLC, 83-20 Langdale Street, New Hyde Park, New York

Re: 105 Franklin Avenue, Valley Stream, New York

Correspondence received from engineer requesting approval of revised site plan to conform to Nassau County 239F approval.

UPON A MOTION BY MR. DELUCIE, SECONDED BY MR. FRUSCI AND UNANIMOUSLY CARRIED THE BOARD APPROVED REVISED SITE PLAN RECEIVED BY BUILDING DEPARTMENT ON MARCH 16, 2023.

Upon a motion by Mr. DeLucie, seconded by Mr. Pizzolo and unanimously carried the meeting was adjourned at 7:30 p.m.

Jennifer Minori

Secretary to Board of Appeals