



**Town of Oyster Bay**

**Zoning Board of Appeals**

TOWN HALL, AUDREY AVENUE, OYSTER BAY, NEW YORK 11771-1592 - TELEPHONE: (516) 624-6232 - FAX: (516) 624-6149  
RITA BYRNE, *Chairwoman* - LOIS SCHMITT, *Vice Chairwoman* - KATHLEEN MULLIGAN  
REBECCA M. ALESIA - ANDREW MONTELEONE - LISA CICCOLELLA - FLORESTANO GIRARDI  
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**PUBLIC HEARING CALENDAR**

**NOTICE OF PUBLIC MEETING BY THE ZONING BOARD OF APPEALS**  
Pursuant to the provisions of *Chapter 246, Section 246-12* of the Code of the Town of Oyster Bay, notice is hereby given that the Zoning Board of Appeals has scheduled a public meeting, which will take place in the Town Hall Meeting Room, Audrey Avenue, Oyster Bay, New York, on **DECEMBER 5, 2024**, at 7:00 P. M., to consider the following appeals:  
**BY ORDER OF THE ZONING BOARD OF APPEALS**

**HEARING NO. 1**

**APPEAL NO. 24-234**

**MASSAPEQUA PARK**

**ANTHONY CIERVO:** (A) Variance to allow existing wood deck with 6 ft. high privacy screen having less side yard setback than permitted by Ordinance. (B) Variance to allow existing 6 ft. high privacy screen on top of existing wood deck exceeding maximum height than permitted by Ordinance. (C) Variance to allow existing one story addition having less rear yard setback than permitted by Ordinance; also encroachment of eaves and gutters. (D) Variance to allow existing driveway having less side yard setback than permitted by Ordinance. (E) Amend Specific Plan as presented for Appeal No. 95-396 and granted by Decision of the Zoning Board of Appeals, dated November 30, 1995.

NW/ cor. of Prade Ln. & Surrey Ln., a/k/a 17 Prade Lane, Massapequa Park, NY  
**SEC. 48                      BLK. 525                      LOT 26                      ZONE R1-7**

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**HEARING NO. 2**

**APPEAL NO. 24-409**

**MASSAPEQUA**

**PIETRO MASTRANDREA:** (A) Variance to construct roofed over entry exceeding maximum building coverage than permitted by Ordinance. (B) Amend Specific Plan as presented for Appeal No. 23-346 and granted by Decision of the Zoning Board of Appeals, dated August 3, 2023.

SE/ cor. of Division Ave. & Bayview Pl. W., a/k/a 41 Division Avenue, Massapequa, NY  
**SEC. 65                      BLK. 200                      LOT 4                      ZONE R1-7**

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**HEARING NO. 3**

**APPEAL NO. 24-363**

**FARMINGDALE**

**SANDRA MCGLONE:** (A) Variance to allow existing cellar entrance having less side yard setback than permitted by Ordinance. (B) Variance to allow existing driveway having less side yard setback than permitted by Ordinance.

N/s/o Eagle Ln., 365 ft. E/o Diana Dr., a/k/a 9 Eagle Lane, Farmingdale, NY  
**SEC. 48                      BLK. 533                      LOT 17                      ZONE R1-7**

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**HEARING NO. 4**

**APPEAL NO. 24-404**

**BETHPAGE**

**ALLISON RIVERA:** (A) Variance to allow existing 8.2 ft. by 9.9 ft. shed having less side yard setback and rear yard setback than permitted by Ordinance. (B) Variance to construct driveway having less side yard setback than permitted by Ordinance.

SW/ cor. of Lincoln Blvd. & Roosevelt Dr., a/k/a 40 Lincoln Boulevard, Bethpage, NY  
**SEC. 46                      BLK. 318                      LOT 38                      ZONE R1-7**

**HEARING NO. 5****APPEAL NO. 24-408****BETHPAGE**

**NASSAU STEEL LLC:** (A) Variance to allow existing 5.8 ft. by 4.8 ft. wall sign (Stage 6 facing East along 11<sup>th</sup> Street) exceeding maximum height than permitted by Ordinance. (B) Variance to allow existing 5.8 ft. by 4.8 ft. wall sign (Stage 5 facing East along 11<sup>th</sup> Street) exceeding maximum height than permitted by Ordinance. (C) Variance to allow existing 5.8 ft. by 4.8 ft. wall sign (Stage 4 facing South Oyster Bay Road) exceeding maximum height than permitted by Ordinance. (D) Variance to allow existing 5.8 ft. by 4.8 ft. wall sign (Stage 3 facing Aerospace Boulevard) exceeding maximum height than permitted by Ordinance. (E) Variance to allow existing 45.9 ft. by 6.6 ft. wall sign (located on West side of lot facing South Oyster Bay Road) exceeding maximum height and sign area than permitted by Ordinance. (F) Variance to allow existing 20 ft. by 8 ft. wall sign (located on West side of lot facing South Oyster Bay Road) exceeding maximum height than permitted by Ordinance. (G) Variance to allow existing 24.5 ft. by 4.25 ft. freestanding sign (located at curb cut along South Oyster Bay Road) having less setback and exceeding maximum sign area than permitted by Ordinance.

E/s/o S. Oyster Bay Rd., S/o Aerospace Blvd., a/k/a 999 South Oyster Bay Road, Bethpage, NY  
**SEC. 46                      BLK. G                      LOT 98                      ZONE LI**

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**HEARING NO. 6****APPEAL NO. 24-410****BETHPAGE**

**ROBERT LEARY:** (A) Variance to allow existing 10.5 ft. by 14.5 ft. gazebo having less side yard setback than permitted by Ordinance. (B) Variance to allow existing detached garage and 10.5 ft. by 14.5 ft. gazebo exceeding maximum rear yard coverage and building coverage than permitted by Ordinance. (C) Variance to allow existing detached garage exceeding maximum building coverage of the principal building and height than permitted by Ordinance.

W/s/o Norcross Ave., 479.46 ft. N/o Revere Ave., a/k/a 38 Norcross Avenue, Bethpage, NY  
**SEC. 46                      BLK. 121                      LOT 563                      ZONE R1-7**

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**HEARING NO. 7****APPEAL NO. 24-360****HICKSVILLE**

**MOZAMEL AZIZI:** (A) Variance to allow existing shed having less side yard setback than permitted by Ordinance. (B) Variance to allow existing driveway having less side yard setback than permitted by Ordinance.

W/s/o N. Fordham Rd., 514.25 ft. S/o Lewis St., a/k/a 24 N. Fordham Road, Hicksville, NY  
**SEC. 46                      BLK. 379                      LOT 22                      ZONE R1-7**

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**HEARING NO. 8****APPEAL NO. 24-382****HICKSVILLE**

**KAMINIBEN SHAH:** Variance to allow existing 6 ft. high PVC fence exceeding maximum height across front yard (Jerusalem Avenue) and maximum height within 30 ft. of intersection than permitted by Ordinance.

NE/ cor. of 9<sup>th</sup> St. & Jerusalem Ave., a/k/a 147 9<sup>th</sup> Street, Hicksville, NY  
**SEC. 46                      BLK. 278                      LOT 889                      ZONE R1-7**

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**HEARING NO. 9****APPEAL NO. 24-396****HICKSVILLE**

**PAT JIMENEZ:** Variance to construct second story addition having less average side/front yard (Jersey Street), side yard setback and exceeding maximum gross floor area than permitted by Ordinance; also encroachment of eaves and gutters.

NE/ cor. of Kuhl Ave. & Jersey St., a/k/a 80 Kuhl Avenue, Hicksville, NY  
**SEC. 11                      BLK. 263                      LOT 9                      ZONE R1-7**

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**HEARING NO. 10**

**APPEAL NO. 24-402**

**HICKSVILLE**

**161 DIVISION LLC:** Variance to construct 20 ft. by 12 ft. detached garage exceeding maximum building coverage than permitted by Ordinance.

E/s/o Division Ave., 71.62 ft. S/o Third St., a/k/a 161 Division Avenue, Hicksville, NY  
**SEC. 45                      BLK. 87                      LOT 121                      ZONE R1-7**

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**HEARING NO. 11**

**APPEAL NO. 24-403**

**HICKSVILLE**

**BATTISTI CONSTRUCTION, LLC:** Variance to construct new dwelling exceeding maximum building coverage and gross floor area than permitted by Ordinance.

E/s/o Grape Ln., 215.92 ft. N/o Glow Ln., a/k/a 27 Grape Lane, Hicksville, NY  
**SEC. 45                      BLK. 328                      LOT 17                      ZONE R1-7**

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**HEARING NO. 12**

**APPEAL NO. 24-417**

**HICKSVILLE**

**RAHUL SONI:** (A) Variance to allow existing second story deck with steps to grade, front one story bump-out addition, front awning, rear awning over stoop and rear one story addition exceeding maximum building coverage than permitted by Ordinance. (B) Variance for the reduction of off-street parking spaces. Reduction of spaces to 1 when 2 parking spaces are required.

E/s/o Mayfair Ln., 130.14 ft. N/o W. Nicholai St., a/k/a 13 Mayfair Lane, Hicksville, NY  
**SEC. 11                      BLK. 343                      LOT 12                      ZONE R1-6**

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**HEARING NO. 13**

**APPEAL NO. 24-294**

**PLAINVIEW**

**SURINDER CHAWLA:** (A) Variance to allow existing cellar entrance's roof over having less side yard setback and aggregate side yards than permitted by Ordinance; also encroachment of eaves and gutters. (B) Variance to allow existing pool deck and swimming pool having less rear yard setback than permitted by Ordinance. (C) Variance to allow existing 8.3 ft. by 12.3 ft. shed having less side yard setback than permitted by Ordinance. (D) Amend Specific Plan as presented for Appeal No. 70-485 and granted by Decision of the Zoning Board of Appeals, dated December 3, 1970.

S/s/o Hope Ct., 136.36 ft. W/o Hope Dr., a/k/a 16 Hope Court, Plainview, NY  
**SEC. 47                      BLK. 7                      LOT 17                      ZONE R1-7**

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**HEARING NO. 14**

**APPEAL NO. 24-407**

**JERICHO**

**SOUTH SERVICE JERICHO ASSOCIATES, L.P.:** Variance for the reduction of off-street parking spaces. Reduction of spaces to 74 plus 4 land banked spaces when 105 parking spaces are required.

S/s/o S. Service Rd., 700 ft. W/o Jericho Tpke., a/k/a 33 S. Service Road, Jericho, NY  
**SEC. 17                      BLK. 16                      LOT 42                      ZONE NB**

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**HEARING NO. 15****APPEAL NO. 20-56 - AMENDMENT****SYOSSET**

**MICHAEL O'LEARY:** Amend Specific Plan as presented for Appeal No. 20-56 and granted by Decision of the Zoning Board of Appeals, dated June 18, 2020 to allow changes to finished basement including addition of wet bar and change of rear pergola to a roof over existing deck.

W/s/o Evelyn Ln., 80 ft. S/o Kathleen Dr. N., a/k/a 41 Evelyn Lane, Syosset, NY

**SEC. 15****BLK. 127****LOT 4****ZONE R1-7**

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**HEARING NO. 16****APPEAL NO. 24-379****SYOSSET**

**STARBUCKS CORPORATION:** (A) Variance to construct fast-food restaurant with drive-thru having less queuing spaces than permitted by Ordinance. (B) Variance to propose one-way traffic circulation without angled parking than permitted by Ordinance. (C) Variance for the reduction of off-street parking spaces. Reduction of spaces to 21 when 32 parking spaces are required. (D) Variance to construct fast-food restaurant with drive-thru off-street parking having less side yard setback than permitted by Ordinance.

NW/ cor. of Jericho Tpke. & Humphrey Dr., a/k/a 321 Jericho Turnpike, Syosset, NY

**SEC. 15****BLK. E****LOT 195****ZONE NB**

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**HEARING NO. 17****APPEAL NO. 24-380****SYOSSET**

**STARBUCKS CORPORATION:** (A) Variance to erect 4 ft. by 4 ft. illuminated wall sign (located on East side of building facing Humphrey Drive) exceeding maximum number of wall signs than permitted by Ordinance. (B) Variance to erect 8.3 ft. by 9.6 ft. illuminated ground sign (located on South side of the lot facing Jericho Turnpike) having less setback and exceeding maximum sign area than permitted by Ordinance. (C) Variance to erect 3.8 ft. by 1.8 ft. two-sided directional (located on West side of building facing Burke Lane) exceeding maximum number of ground signs than permitted by Ordinance. (D) Variance to erect 4.6 ft. by 10.3 ft. order menu and canopy (located on East side of building facing Humphrey Drive) exceeding maximum number of ground signs and maximum sign area than permitted by Ordinance. (E) Variance to erect 5.2 ft. by 3.5 three-panel menu board (located on East side of building facing Humphrey Drive) exceeding maximum number of ground signs than permitted by Ordinance. (F) Variance to erect 3.8 ft. by 1.8 ft. directional with logo (located on South side of building facing Jericho Turnpike) exceeding maximum number of ground signs than permitted by Ordinance. (G) Variance to erect 3.8 ft. by 1.8 ft. directional with logo (located on South side of building facing Jericho Turnpike) exceeding maximum number of ground signs than permitted by Ordinance. (H) Variance to erect 3.5 ft. by 2.5 ft. three (3) pre-menu board (located on East side of building facing Humphrey Drive) exceeding maximum number of ground signs than permitted by Ordinance.

NW/ cor. of Jericho Tpke. & Humphrey Dr., a/k/a 321 Jericho Turnpike, Syosset, NY

**SEC. 15****BLK. E****LOT 195****ZONE NB**

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**HEARING NO. 18****APPEAL NO. 24-413****GLENWOOD LANDING**

**JOSEPH PALMIERI:** (A) Variance to construct front and rear portico exceeding maximum building coverage than permitted by Ordinance. (B) Variance to construct rear portico exceeding maximum gross floor area than permitted by Ordinance. (C) Variance to allow existing barbeque island having less side yard setback than permitted by Ordinance.

N/s/o Sylvia St., 100 ft. W/o Viola St., a/k/a 44 Sylvia Street, Glenwood Landing, NY

**SEC. 20****BLK. 45****LOT 15****ZONE R1-7**

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**HEARING NO. 19****APPEAL NO. 23-569 - AMENDMENT****GLEN HEAD**

**MARK UNDERBERG:** Amend Specific Plan as presented for Appeal No. 13-310 and granted by Decision of the Zoning Board of Appeals, dated September 26, 2013 to propose altered new dwelling.

E/s/o Motts Cove Rd., 409.84 ft. S/o Washington Ave., a/k/a Motts Cove Road, Glen Head, NY  
**SEC. 20                      BLK. F                      LOT 1076A                      ZONE R1-7**

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**HEARING NO. 20****APPEAL NO. 23-571 - AMENDMENT****GLEN HEAD**

**MARK UNDERBERG:** Amend Specific Plan as presented for Appeal No. 13-311 and granted by Decision of the Zoning Board of Appeals, dated September 26, 2013 to propose altered new dwelling.

E/s/o Motts Cove Rd., 409.84 ft. S/o Washington Ave., a/k/a Motts Cove Road, Glen Head, NY  
**SEC. 20                      BLK. F                      LOT 1076A                      ZONE R1-7**

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**HEARING NO. 21****APPEAL NO. 23-572 - AMENDMENT****GLEN HEAD**

**MARK UNDERBERG:** Amend Specific Plan as presented for Appeal No. 13-312 and granted by Decision of the Zoning Board of Appeals, dated September 26, 2013 to propose altered new dwelling.

E/s/o Motts Cove Rd., 409.84 ft. S/o Washington Ave., a/k/a Motts Cove Road, Glen Head, NY  
**SEC. 20                      BLK. F                      LOT 1076A                      ZONE R1-7**

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**HEARING NO. 22****APPEAL NO. 23-573 - AMENDMENT****GLEN HEAD**

**MARK UNDERBERG:** Amend Specific Plan as presented for Appeal No. 13-313 and granted by Decision of the Zoning Board of Appeals, dated September 26, 2013 to propose altered new dwelling.

E/s/o Motts Cove Rd., 409.84 ft. S/o Washington Ave., a/k/a Motts Cove Road, Glen Head, NY  
**SEC. 20                      BLK. F                      LOT 1076A                      ZONE R1-7**

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**HEARING NO. 23****APPEAL NO. 23-574 - AMENDMENT****GLEN HEAD**

**MARK UNDERBERG:** Amend Specific Plan as presented for Appeal No. 13-314 and granted by Decision of the Zoning Board of Appeals, dated September 26, 2013 to propose altered new dwelling.

E/s/o Motts Cove Rd., 409.84 ft. S/o Washington Ave., a/k/a Motts Cove Road, Glen Head, NY  
**SEC. 20                      BLK. F                      LOT 1076A                      ZONE R1-7**

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**HEARING NO. 24****APPEAL NO. 24-500****GLEN HEAD**

**JOSEPH GIANNOLA:** Variance to reconstruct as a new two story one-family dwelling on existing foundation having less rear yard setback than permitted by Ordinance; also encroachment of eaves and gutters.

NW/ cor. of Wedgewood Ct. W. & Crossway, a/k/a 8 Wedgewood Court W. Glen Head, NY  
**SEC. 22                      BLK. F01                      LOT 290                      ZONE R1-1A**

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**HEARING NO. HO 1**

**APPEAL NO. 24-336**

**HICKSVILLE**

**GURUDWARA SHAHEEDAN, INC.**: (A) Variance for the reduction of off-street parking spaces. Reduction of spaces to 0 when 134 spaces are required. (B) Variance to allow an existing place of worship having less lot size than permitted by Ordinance.

N/s/o W. Nicholai St., 116.82 ft. W/o Broadway, a/k/a 18 W. Nicholai Street, Hicksville, NY  
**SEC. 11                      BLK. 308                      LOT 27                      ZONE HD-II**

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**HEARING NO. HO 2**

**APPEAL NO. 23-755**

**MASSAPEQUA**

**DAVID SHERENSTEIN**: Variance for the reduction of off-street parking spaces. Reduction of spaces to 6 when 23 parking spaces are required.

SE/ cor. of Broadway & Jerusalem Ave., a/k/a 710-716 Broadway, Massapequa, NY  
**SEC. 48                      BLK. 89                      LOT 65                      ZONE NB**

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**HEARING NO. HO 3**

**APPEAL NO. 12-80 - AMENDMENT**

**FARMINGDALE**

**WENDY NEUS**: (A) Amend Decision of Zoning Board of Appeals, dated March 1, 2012, in order to Amend the Declaration of Restrictive Covenants to indicate a change in ownership/occupancy while still maintaining a Parent/Child relationship. (B) Extend the Special Use Permit to maintain an existing second kitchen in a one-family dwelling for use as a Parent/Child residence.

S/s/o Lockwood Ave., 209 ft. E/o Hart St., a/k/a 134 Lockwood Avenue, Farmingdale, NY  
**SEC. 48                      BLK. 520                      LOT 720                      ZONE R1-7**

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**NOVEMBER 25, 2024**

**BY ORDER OF THE ZONING BOARD OF APPEALS**

**TOWN OF OYSTER BAY, OYSTER BAY, NEW YORK**