



## **BOARD OF ZONING APPEALS**

### **Board of Zoning Appeals Members**

Christopher Downes, Chairman

Kevin Flood

Dennis McEnery

Gary Parisi

Indra Sanichar

John Ryan, Esq. Legal Counsel

Renee Marcus, AIA – Superintendent of Buildings

Margaret Fowler, Acting Secretary

November 9, 2023

8:00 pm

Village Hall Court Room

Case	Building Number	Street	Sec / Blk / Lot	Owner / Applicant	Description
1	161	Bellmore Street	32 / 220 / 103-104	Paul Tsoukias	Fence

Questions about the projects can be emailed to [BZA@FPVillage.org](mailto:BZA@FPVillage.org) prior to the meeting to allow for the Village and Applicant to be prepared with answers

Supporting documents will be posted to the Board of Zoning Appeals web page at least 24 hours prior to the meeting.

Click [here](#) for the BZA webpage

Case	Building Number	Street	Sec / Blk / Lot	Owner / Applicant	Description
1	161	Bellmore Street	32 / 220 / 103-104	Paul Tsoukias	Fence





# 161 Bellmore Street (Aerial View)



LEGAL NOTICE

NOTICE OF PUBLIC HEARING  
INC. VILLAGE OF FLORAL PARK, NY

NOTICE IS HEREBY GIVEN that the Board of Appeals of the Incorporated Village of Floral Park, will hold a public hearing in the Village Hall, No. 1 Floral Boulevard, Floral Park, New York on Thursday, November 9, 2023 at 8:00 p.m. relative to the following application:

Application of Paul Tsoukias, owner of 161 Bellmore Street, Floral Park, NY 11001 for a variance from § 99-13 B. (1) In residential districts, a fence not exceeding five feet in height shall be permitted on the rear lot line. Fencing for all other lot lines shall not exceed four feet in height and in no case extend nearer to the street than the front line of the dwelling. The proposed 5' high fence is located on the side lot line.

This application is made subject to the provisions of Article IX, Section 99-61, of the Zoning Ordinance of the Incorporated Village of Floral Park.

The property which said variance is applied for is located 107.2 feet north of Cherry Street on the east side of Bellmore Street and known as 161 Bellmore Street, Section 32, Block 220, Lot(s) 103-104 on the Nassau County Land and Tax Map.

A copy of the application is on file in the Public Works/Building Department facility located at the foot of Stewart Street in the Village of Floral Park and may be examined by any persons interested therein during business hours, Monday through Friday, inclusive, except legal holidays from 8:30 a.m. to 4:00 p.m.

NOW TAKE NOTICE, that all parties in interest and citizens will be given the opportunity to be heard at the aforesaid time and place.

BY ORDER OF THE BOARD OF APPEALS  
INCORPORATED VILLAGE OF FLORAL PARK, NY  
Margaret Fowler, Acting Zoning Board Secretary

Dated: October, 2023



Incorporated Village of Floral Park - Department of Buildings  
BUILDING DEPARTMENT 516-326-6319 WWW.FPVILLAGE.ORG

## **NOTICE OF DISAPPROVAL**

10/03/2023

OWNER:  
TSOUKIAS, PAUL & ALEEN  
161 Bellmore Street  
Floral Park, NY 11001

APPLICANT:  
Paul Tsoukias  
161 Bellmore Street  
Floral Park, NY 11001

**Please take notice that your application to:** 5' High Side Yard Fence

**at:** 161 Bellmore Street Floral Park NY 11001

**Zone: Parcel:** 32-220-103-104

**Is hereby disapproved contrary to:**

§ 99-13 B. (1) In residential districts, a fence not exceeding five feet in height shall be permitted on the rear lot line. Fencing for all other lot lines shall not exceed four feet in height and in no case extend nearer to the street than the front line of the dwelling.

The proposed 5' high fence is located on the side lot line.

**Of the Zoning Code of the Inc. Village of Floral Park.**

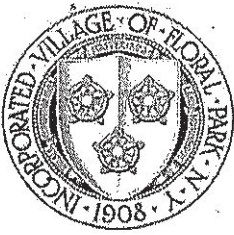
**If you choose to file for a variance to appeal this decision, an application and instructions can be obtained from the Building Department or the Village website at**

**<https://fpvillage.org/departments/building-department/>.**

**This application has not been reviewed for Building Code compliance.**

\_\_\_\_\_  
Renee Marcus, AIA  
Superintendent of Buildings





## BOARD OF ZONING APPEALS

### APPLICATION FOR FENCE, SPECIAL EXCEPTION PARKING OR GENERATOR VARIANCE

#### Property Information:

Property Address: *161 Bellmore St. Floral Park NY 11001*

Business Name (If Commercial):

Section: *32* Block: *220* Lot: *103 104* Zone: *202 302*

Existing:  Single Family  2-Family  Commercial/Business  Other:

Are there any Violations or Notices of Violations Outstanding on this Property? *No* (If yes, attach copies.)

#### Applicant information:

Incomplete applications will not be accepted

Applicant Name: *Paul Tsoukias* Relationship of Applicant to Owner: *Owner*

Mailing Address: *161 Bellmore St.* City: *Floral Park* State: *NY* Zip: *11001*

Phone Number: *917-842-9710* Email: *Tsoukiagg@yahoo.com*

#### Owner Information:

Owner Name: *S I A I A*

Mailing Address: City: State: Zip:

Phone Number: Email:

#### Previous Appeals: (check one)

A previous appeal has been made on this property (attach all relevant decisions)

A previous appeal has not been made on this property

#### Type of Variance Applied For:

Fence  Special Exception Parking  Generator

Variance or Relief Desired:  Proposed  Maintain (year built \_\_\_\_\_)

*Request fence maximum height of 5' for fence located on south side of property as noted as #3 on copy of survey.*

#### Reason(s) Supporting Appeal: (if necessary, submit separate attachment)

*See addendum A*

#### Owner Signature:

*Paul Tsoukias*  
Signature of Property Owner

## ADDENDUM A

It is respectfully requested that a variance be issued for a maximum fence height of five feet (5') instead of a maximum fence height of four feet (4') along the southern property line of 161 Bellmore Street to increase security and privacy. The location of the fence as noted as #3 on the supplied survey is the side yard of my property (161 Bellmore Street) and the rear yard of lots 107 and 108 collectively known as 51 Cherry Street. A five foot (5') maximum height fence (without the need for a variance) is permitted in this location if installed by the owner of 51 Cherry Street due to this being the rear yard of that location. The Floral Park Buildings Department has a strict interpretation of the Town Fence Ordinance and they are unable to provide approval of the requested maximum fence height of five feet (5') even though the only reason preventing the approval in this instance is the use of side yard versus rear yard as the location is the same.

It has been suggested that I speak with the owner of 51 Cherry Street and request that they apply for a fence permit and make some kind of arrangement (implying that I cover the cost of the fence) with the current owner of 51 Cherry Street. I believe this to be an unacceptable and unnecessary option for many reasons.

First, I have only seen this neighbor about ten (10) times in the six (6) years I have lived here and we have only exchanged pleasantries during those encounters. To enter into some kind of an arrangement with an almost complete stranger is not something that I am comfortable doing as I consider it extremely unwise and foolish.

Second, the current owner of 51 Cherry Street has owned their property for ten (10) years and has not elected to install a fence in that time. There could be many considerations as to why; lack of desire, they don't feel it is necessary, financial, or some other reason or a combination of all. This further increases the likely hood that I would be covering the cost of the installation on someone else's property.

Third, the fence would have to be installed entirely on their property. As I would not be the property owner, the installation would need to be done by a licensed contractor adding unnecessary additional cost to this project, which again I will most likely have to cover.

Forth, there is a small tree on their property just south of the property line that would need to be removed to install the fence completely on their property. This would be an additional unnecessary cost to the project, again that I would most likely be expected to cover. Should they decide to leave the tree, the fence would need to be further south of the property line to accommodate the tree, thus reducing their rear yard and would be an unlikely option.

Fifth, should the current owner agree to some kind of an arrangement, the arrangement would be that of a handshake and provide me with no legal recourse should they or any future owner decide to remove the fence in the future, which I most likely will have paid for. There would be no guarantee that the fence would remain with a new owner. Also any maintenance, repair or replacement would require prior approval of the current or future owner of 51 Cherry Street in addition to the Town of Floral Park when appropriate.

Taking all of this into consideration, I respectfully request that the variance be granted.

Paul Tsoukias

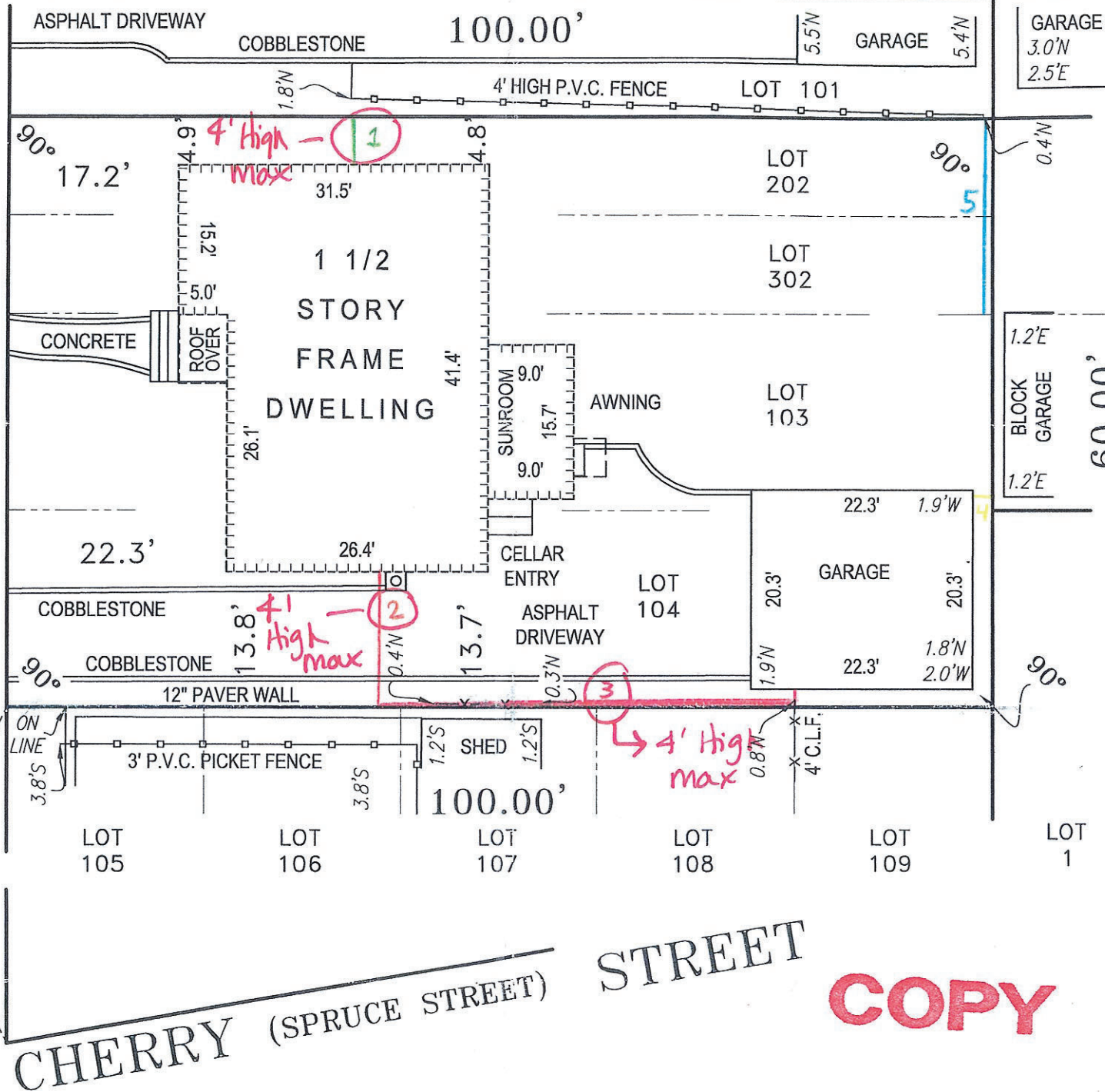


BELLMORE STREET

(BELMONT STREET)

60.00'

107.20'



NO OVERSIGHT, ERROR OR OMISSION OF THE BUILDING INSPECTOR SHALL LEGALIZE THE ERECTION, ALTERATION, REMOVAL, USE, BUILDING OR STRUCTURE TO THE PROVISIONS OF THE PREVENTION AND BUILDING VILLAGE ORDINANCES.

APPROVED  
INC. VILLAGE OF  
DATE: 09.21  
SIGNED: [Signature]  
SUPT. OF BUILDING

COPY

CHERRY (SPRUCE STREET) STREET

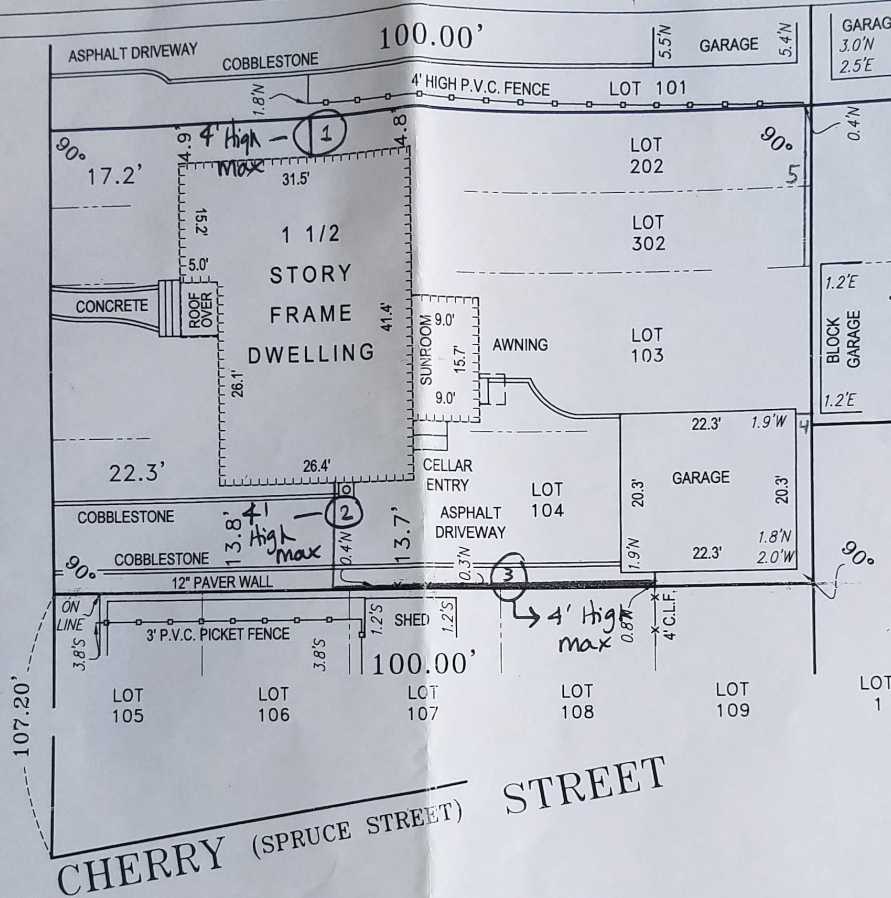
signs



**COPY**

BELLMORE STREET  
(BELMONT STREET)

60.00'



NO OVERSIGHT, ERROR OR OMISSION ON THE PART OF THE BUILDING INSPECTOR OR HIS REPRESENTATIVE SHALL LEGALIZE THE ERRECTING, CONSTRUCTION, ALTERATION, REMOVAL, USE OR OCCUPANCY OF A BUILDING OR STRUCTURE THAT DOES NOT CONFORM TO THE PROVISIONS OF THE STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE VILLAGE ORDINANCES.

**APPROVED**  
INC. VILLAGE OF FLORAL PARK  
DATE: 09.26.23  
SIGNED: PK  
SUPT. OF BUILDING DEPT.

NOTES:  
- Non-visible easements, recorded or unrecorded are not shown.  
- Underground foundations or substructures not visible are not shown.

CERTIFIED TO:  
Paul Tsoukias & Aleen Tsoukias  
Citizens Bank, N.A., its successors and/or assigns  
Abstract Resolutions Corp.  
Westcor Land Title Insurance Company

SURVEY FOR TITLE: **ARC-2101-N-17**  
161 BELLMORE STREET, FLORAL PARK  
TOWN OF HEMPSTEAD  
COUNTY, STATE OF NEW YORK  
LOTS 104, 103, 102 ON A CERTAIN MAP ENTITLED,  
"MAP OF FLORAL PARK VILLA CO."

**Alphonse Pesce, Jr.**  
Professional Land Surveyor

*Alphonse Pesce, Jr.*  
N.Y.S. Lic. No. 048365

5 CIRCLEDALANE  
HOLBROOK, NEW YORK 11741  
718-486-5408 631-585-5317

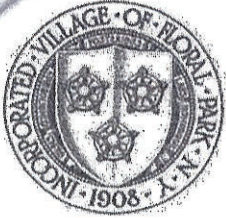


- Copyright 2017, Alphonse Pesce Jr., Co., Inc. Land Surveying, All Rights Reserved.
- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
- Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion.
- Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
- The certifications herein are not transferable.
- The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
- The offsets or dimensions shown from the foundation to the property lines are for specific purpose and use and therefore are not intended to guide the erection of fences, retaining walls, pools, planting areas, addition to structures and any other construction.

Filed: MAY 08, 1907 Map Number: 20 Case Number: 151  
SEC.: 32 BLOCK: 220 LOTS: 103, 104, 202, 302  
SURVEY DATE: DECEMBER 18, 2017 JOB: 17-627

= 15'



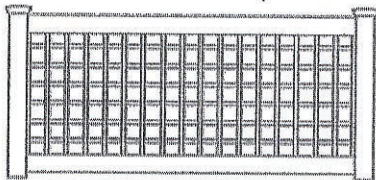


**DEPARTMENT OF BUILDINGS  
FENCE PERMIT APPLICATION**

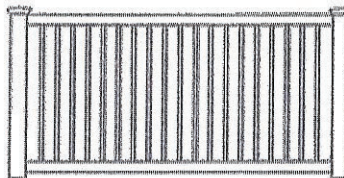
**CIRCLE STYLE OF  
FENCE PROPOSED**

The following generic designs have been pre-approved by the Architectural Review Board by resolution at the June 2006 meeting. Open designs of wood vinyl or wrought iron material are permitted, provided the distance of the opening in the slats is 3/4 of an inch or greater. The permitted colors are limited to white, beige, grey or wood tones. Wrought iron or aluminum fences can be black. Any styles or colors that differ from the pre-approved designs must be presented to the ARB for approval.

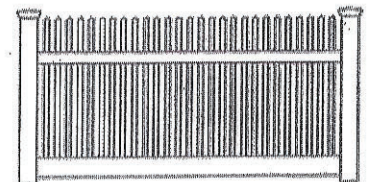
Solid and chain link fences are prohibited on residential properties.  
Solid fences may be installed on residential properties that abut a commercial property.



**Old English Lattice**



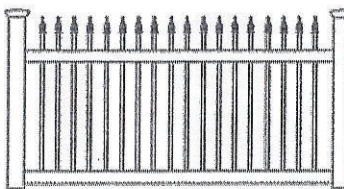
**Framed Ovation Style**



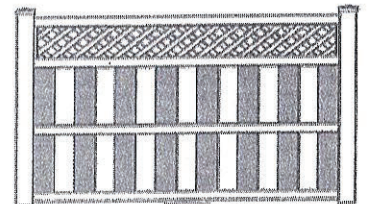
**Classic Picket**



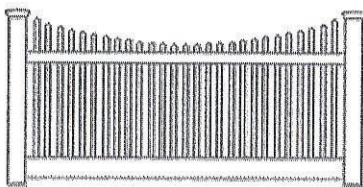
**Post and Rail**



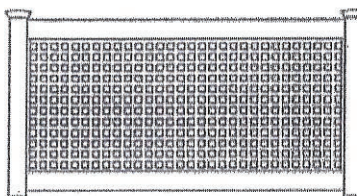
**Ornamental Picket**



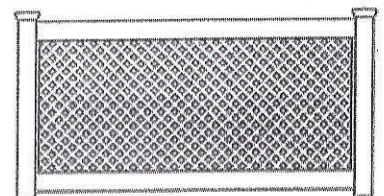
**Board and Board with Lattice**



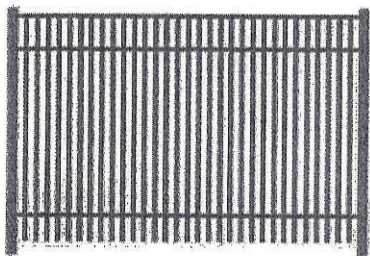
**Scalloped Picket**



**Square Lattice**

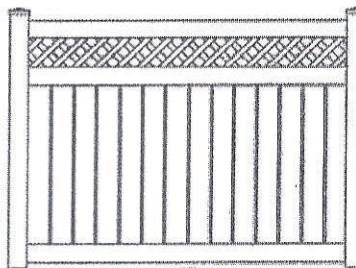


**Diagonal Lattice**



**Estate Fence**

*5-5' Fence Black*



**Semi-Privacy Diagonal Lattice**

*1-4' Fence with gate White  
2-4' Fence with gate white  
3-5' Fence white  
4-5' Fence white*

A partial solid bottom is permitted provided the top open portion is at least 35% of the structure with at least 2" openings between the slats.