

BOARD OF ZONING AND APPEALS
INCORPORATED VILLAGE OF GREAT NECK PLAZA

In the Matter of the Application of

NORTH SHORE SEPHARDIC SYNAGOGUE

FINDINGS OF FACT
AND DECISION

For Variances With Respect to Certain Premises
Within The Village Located At 122 and 130 Cutter Mill
Road

Introduction

This is an application by North Shore Sephardic Synagogue (“Synagogue” or “Applicant”) for variances necessary to construct an elevated gymnasium in its existing parking lot for the exclusive use by the students of its affiliated religious school (“School”) located on an adjoining property lot. Applicant seeks variances from Village Code provisions regarding height, parking and yard setbacks.

Facts

A. The Properties Involved

The Synagogue is located at 130 Cutter Mill Road, Section 1, Block 376, Lots 5, 6, 7 and 11 (“the Synagogue Property”). It was initially granted Conditional Use Permit No. 202, dated April 15, 1992, later modified slightly on September 9, 1992. Adjoining the Property to the north is the School for students of the Synagogue’s congregants, which is located at 122 Cutter Mill Road, Section 1, Block 376, Lot 4 (the “School Property”). The School, operating as the Long Island Hebrew Academy, was initially granted Conditional Use Permit No. 305 dated April 16, 1997, subsequently modified on February 15, 2017 and April 17, 2019. The Synagogue and the School are both located in the Village’s C-2 Zoning District.

On the Synagogue Property, there is an existing vacant parking area which currently contains 76 parking spaces (“the Synagogue Parking Lot”). In the rear of the School, there is an area which contains a small playground (“Playground”) and an adjacent vacant area currently used as a basketball court for the School’s students (“the Rear School Area”). By virtue of Condition No. 27 in the School’s Conditional Use Permit dated April 16, 1997, the Rear School Area is allowed to be used for additional parking by the Synagogue’s congregants on religious holidays when the School is not in session, although it has rarely if ever been so used .

B. The Synagogue's Application for a Conditional Use Permit

On or about March 10, 2025, the Synagogue submitted an application to the Village Board of Trustees ("BOT") seeking a revised conditional use permit which would allow it to construct a gymnasium ("the Gym") in the Synagogue Parking Lot. As explained by Applicant's president to the Board of Trustees at its hearing on April 2, 2025:

"Tonight I'm in front of you to ask for a gym that we are going to be building for these kids from the school. For the past 26 years that these kids have been in school, we haven't had any place for them to play. We have not had a gym for them to play and we had to take them, when the weather was nice, when the weather would allow us, transport them from our school to other locations to have a place for gym. When it was cold, they couldn't do it, we couldn't do it, we couldn't take them anymore. Therefore, we are here for that gym construction that is going to be only for the kids in the school. It's going to be open for the times that the kids are in school and is going to be used for the kids for the school and no other people are going to be using it."

The Gym would consist of three stories: the lowest story would consist of on-ground outdoor parking spaces with on-ground stilts to support the Gym itself, a single high-ceilinged space occupying the upper two stories.

In connection with its application for a revised conditional use permit, Applicant also submitted, among other documents: initial conceptual design plans by Mojo Stumer Associates dated August 20, 2024; a traffic study by R&M Engineering dated April 1, 2025; and an informational letter from Mojo Stumer dated May 20, 2025 ("the May 2025 Letter"). In the May 2025 Letter, Applicant represented that the Gym would only be used by students of the School and would only be open the same hours as the School, i.e., on Monday thru Thursday from 8:00 am to 5:00 pm, and on Friday from 8:00 am to noon ("Regular School Hours"). On or about August 1, 2025, Applicant revised its application for a conditional use permit and submitted slightly-revised conceptual plans from Mojo Stumer dated July 4, 2025 (hereinafter referenced as "the Final Design Plans", exclusive of page T-1 which was subsequently revised). The BOT held several hearings regarding this application for a conditional use permit, including on 4/2/25, 5/7/25, 5/21/25, 7/2/25 and 8/20/25 ("the BOT Hearings"). By Resolution No. 10626-25 made on September 4, 2025, the Nasau County Planning Commission left this matter for local determination.

C. The Notice of Disapproval

After Applicant's initial submission of its proposed building plans for the Gym, the Village's Building Department reviewed them and issued a notice of disapproval dated April 8, 2025. When Mojo Stumer submitted the revised Final Plans dated July 4, 2025, the Building Department issued a revised Notice of Disapproval ("Revised NOA") dated July 21, 2025. The Revised NOA stated in relevant part as follows:

"The height of the buildingwill be 3 stories totaling 45'6" where the maximum Village Code allows is 2 stories with a maximum of 25 feet. The total parking requirements for the gym, the school and the temple are 136 parking spaces where 65 spaces are provided. The onsite parking is currently deficient and the existing parking spaces will decrease by another 11 parking spaces for the piers of the new building. The rear staircase from the 2nd floor encroaches into the northeast side yard, 20' is the minimum, 7" is provided."

The Revised NOA therefore notified the Applicant that, in order to construct the Gym, the Synagogue would need variances from Village Code Section 225-78(F) (with respect to the Gym's height); from Sections 225-79 (B) and (C) (with respect to the yard variance); and from Section 225-86 (with respect to the number of parking spaces).

D. Proceedings Before This Board

After receipt of the Revised NOA, the Synagogue applied to this Board ("the Application") for the variances necessary to construct the Gym. After all requisite notices, this Board held hearings on 9/10/25; 11/12/25; 12/10/25; 1/28/26; 2/17/26; and 4/8/26 ("the BZA Hearings"). During those Hearings, Applicant was represented by Paul Bloom, Esq. of Harris, Bloom and Archer. Witnesses in support of and in opposition to the Application were heard.

During the Hearings, numerous additional documents were submitted for this Board's consideration relating to parking and traffic issues. These documents included the following:

- a revised parking study from R&M Engineering dated May 7, 2025;
- a revised parking plan by Mojo Stumer dated October 21, 2025;
- drawings prepared by Mojo Stumer dated October 21, 2025 regarding traffic circulation issues;
- a report from VHB Engineering (the Village's consultant) dated February 3, 2026 analyzing certain parking and traffic circulation issues relating to the proposed Gym;
- a further revised parking plan (consisting of page T-1) from Mojo Stumer dated February 9, 2026 (hereinafter referenced as the "Final Parking Plan");
- a further revised parking study from R&M Engineering dated February 10, 2026;
- a letter from R&M Engineering dated February 10, 2026 responding to the VHB report of February 3, 2026; and

---a further VHB report dated February 17, 2026.

On February 17, 2026, based on the documents and testimony introduced at the BZA Hearings, as well as public records in the Village files, including the BOT Hearings held to date, this Board voted 3 to 1 in favor of granting the necessary variances, subject to the preparation and approval of these written Findings of Fact and Decision on the date set forth below. For the reasons stated below, the Board now concludes that the Application should be granted, subject to certain conditions.

Analysis

A. No Use Variance is Required

A gymnasium, standing by itself, is not permitted as either a permitted or conditional use in the C-2 Zoning District. See Village Code Sections 225-73 and 74. However, Village Code Section 225-75 states that “a building or land in the C-2 District may be used for an accessory use”. Given that the Synagogue and the School are affiliated entities, are controlled and operated in conjunction with each other by the same religious group and are in immediate proximity to each other, this Board finds that the Gymnasium is an accessory use to both the Synagogue and the School and therefore does not require a use variance.

B. The Three Requested Area Variances Are Warranted

A height variance, a parking variance and a yard setback variance all constitute area variances. As such, New York Village Law 7-712-b(3)(b) requires this Board, in determining whether such area variances should be granted, to weigh the benefit to the Applicant by granting the variance against any detriment to the health, welfare and safety of the neighborhood or community that would result from such grant. In making such determination, the Board must also consider the following factors:

“(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.”

For the reasons stated below, this Board concludes that each of the requested variances is warranted, subject to certain conditions.

(i) The Height Variance

Village Code Section 225-225-78 requires any structure in the C-2 District, other than a senior housing facility, not to exceed two stories or 25 feet in height. Here, the Gym will be three stories and 45.6 feet in height. However, this additional height will have no adverse effect whatsoever on the surrounding neighborhood because the existing Synagogue Parking Lot (where the proposed Gym will be located) is approximately 15 feet below the level of the neighboring streets on Cutter Mill Road (both to the north and the west). As a result, the additional height of the Gym will be no more visible to surrounding areas than if it complied with the Village Code requirements. Viewed from the adjoining streets, the top of the Gym will not be any higher than the Synagogue and School structures. Furthermore, although nominally three stories in height, the first story is effectively devoted to on-ground parking and the top two stories are necessary because gymnasiums require high-ceilinged spaces to allow games and athletic activities to take place there. In short, the “three stories” of the Gym actually constitute only one floor of usable space gymnasium space.

(ii) The Parking Variance

The existing Synagogue Parking Lot contains 76 parking spaces. Under Village Code 225-86, 136 parking spaces are required. After construction of the Gym, according to the Final Parking Plan, there will only be 60 on-ground parking spaces in the Synagogue Parking Lot, i.e., a loss of 16 parking spaces on the Synagogue Property. However, the Synagogue proposes to mitigate the loss of these spaces on the Synagogue Property by providing 9 parking spaces in the Rear School Area, resulting in a total of 69 parking spaces on the two properties.

As set forth below, conditions are being imposed in connection with granting the requested parking variance to ensure (a) that the use of the Gym is restricted to the exclusive use of the School's students so that it does not bring additional visitors (with additional vehicles) onto the Property, which could increase the need for parking spaces, and (b) that the parking spaces in the Rear School Area are actually usable and used by the Synagogue's congregants. With these conditions, the Board concludes that the effective loss of parking spaces resulting from the construction of the Gym will be limited to seven, i.e. 76 (current) minus 69 (future).

While the loss of seven parking spaces is not *de minimis*, it is also not substantial. It will effectively increase the existing parking non-conformity only by 5.1%, i.e., $76/136 = 55.8\%$ as compared to $69/136 = 50.7\%$. Likewise, a loss of seven parking spaces constitutes only 5.1% of the number of spaces required under the Village Code, i.e., $7/136$.

Moreover, on-site observations were made on several dates (weekdays as well as weekends) both by RMB Engineering and VHB Engineering, and on none of these dates was it observed that there was a need for more than 69 parking spaces.

(iii) The Yard Setback Variance

On the northeast corner of the Synagogue Property, there is proposed to be a staircase which connects the main Gym space (first above-ground floor) to the Synagogue Parking Lot (“the Staircase”). The Staircase is less than a foot from the retaining wall at the boundary of the Synagogue Property, and therefore does not comply with the 20-foot minimum setback requirement. However, this Staircase is necessary in order to provide a secondary means of egress from the Gym in cases of emergency. In order to comply with the safety standards governing secondary means of egress, this was the most suitable location for this emergency exit and Staircase. Additionally, this was the location where it would provide the least interference with access to the parking spaces on the Synagogue Parking Lot. It also will not have a detrimental effect on the neighborhood because it faces a retaining wall, on the other side of which is vacant land, so nobody will be affected by its proximity to the boundary of the Synagogue Property.

Conclusion

For the reasons stated above, and subject to the conditions set forth below, the Board finds that the benefit to the Applicant of granting the requested variances allowing the proposed construction of the Gym for the benefit of the students in the School outweighs any detriment to the health, welfare and safety to the neighborhood or community that would result from such grant, and therefore grants the Application.

This approval is subject to the following conditions:

1. The Gym shall be used exclusively by the students of the School during Regular School Hours. No other use or occupancy of the Gym is permitted at any other time, and the Gym shall not be used for any other purpose.
2. No activities of the Synagogue shall be conducted in the Gym, e.g. no social affairs, no catered events, no religious activities or services, etc.
3. The Gym shall not be used for any activities which will involve persons other than the students of the School, e.g., no intermural athletic or social events.
4. The Gym shall be constructed as shown on the Final Design Plans. No activities shall take place on the roof of the Gym.
5. The Gym shall be a sprinklered structure.

6. There must be at least 60 striped parking spaces on the Synagogue Parking Lot after construction of the proposed Gym, as shown on the Final Parking Plan dated February 9, 2026. Such parking spaces shall be striped and marked prior to the issuance of a certificate of occupancy for the Gym and prior to any use of the Gym.
7. The School must agree in writing to the modification of its previously-granted Conditional Use Permit No. 305 so as to allow 9 striped parking spaces in the Rear School Area, as shown on the Final Parking Plan. Condition No. 27 in said permit is hereby modified to provide that the parking spaces in the Rear School Area shall be available at all times except when the School is in session during Regular School Hours. Such parking spaces shall be striped and marked prior to the issuance of a certificate of occupancy for the Gym and prior to any use of the Gym.
8. Bollards and fencing, as approved by the Village Superintendent of Building (“Building Superintendent”), shall be installed in the Rear School Area to shield the Playground from the 9 parking spaces in the Rear School Area.
9. The School and the Synagogue must install all signage determined to be necessary by the Building Superintendent to ensure that Synagogue’s congregants are made aware of the 9 parking spaces in the Rear School Area and are encouraged to use them when the School is not in session.. Such signage shall be installed, as appropriate and warranted, both inside the School and the Synagogue and on their outside areas. At religious services in the Synagogue, congregants must be informed of the availability of these 9 parking spaces and encouraged to use them when there are no parking spaces available in the Synagogue Parking Lot. All signage currently on the School and Synagogue properties, and all signage to be installed, shall comply with the Manual of Uniform Traffic Control Devices.
10. Except when the School is in session during Regular School Hours, any gate or other barrier blocking access to the 9 parking spaces in the Rear School Area shall be removed.
11. No dumpsters or other structures (including structures related to the Succoth religious holiday) shall be placed on the Synagogue Property or in the Rear School Area so as to eliminate, block or impede access to any parking spaces in the Rear School Area or in the Synagogue Parking Lot.
12. No activities shall take place on the Synagogue Property or in the Rear School Area which shall eliminate, block or impede access to any parking spaces, except that School-related activities may take place in the Rear School Area during Regular School Hours.
13. The Gym and the Staircase, as shown on the Final Design Plans, and the parking spaces, as shown on the Final Parking Plan, shall have been submitted for review to the Nassau County Fire Marshall and the Vigilant Fire and Engine and Ladder Company (“Vigilant”), and no objection shall have been raised by either of them. Upon request by the Village, Applicant shall provide written proof to the Village that such review has been conducted by Vigilant

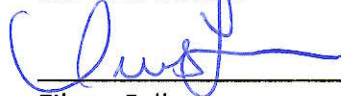
and the Fire Marshall prior to the issuance of a certificate of occupancy for the Gym and prior to any use of the Gym.

14. The Staircase shall be equipped with a panic bar to prevent its usage as an entrance to the Gym and to ensure that it is used only in cases of emergency. A sign shall be installed at the top of the Staircase stating that it is only to be used in cases of emergencies. A sign shall be installed at the bottom of the Staircase stating that it is not to be used as an entrance.
15. There shall be no interior walkway or passage connecting the School to the Gym or the Gym to the Temple.
16. Prior to the issuance of a certificate of occupancy for the Gym and any use of the Gym, the two separated driveways leading from Cutter Mill Road onto the Synagogue and School properties shall be combined into a single driveway with adequate width to simultaneously accommodate all entering and exiting vehicle types. Prior to the issuance of a certificate of occupancy for the Gym and prior to any use of the Gym, said single driveway shall be properly striped, as approved by the Building Superintendent, and all bollards and other barriers currently separating these two driveways shall be removed.
17. Prior to the issuance of a certificate of occupancy for the Gym and any use of the Gym, the Synagogue and the School shall confirm in a writing submitted to the Village that, at any time when the Gym is open and in use, Village officials shall have the right (a) to enter into the Gym to observe the activities taking place there, and (b) to enter onto the School Property and/or the Synagogue Property to observe whether there is compliance with these conditions and the conditions set forth in previously-issued conditional use permits.
18. Prior to the issuance of a certificate of occupancy for the Gym and any use of the Gym, and annually thereafter, the Synagogue and the School shall submit a sworn affidavit to the Village certifying that all the conditions specified herein, as well as all conditions set forth in Conditional Use Permit Nos. 202 and 305 (as amended, and except to the extent modified herein) have been and will be complied with, and acknowledging that the failure to do so may result in a revocation or modification of the variances allowing construction of the Gym and/or revocation of the certificate of occupancy of the Gym.

Dated: April 8, 2026

Absent

Marlene Gerber



Eileen Falk



Jeffrey Schwartz, Chairperson



David Kirschenbaum

(voted against application)

Marnie Ives

Filed on April 9th, 2026