

MINUTES
BOARD OF APPEALS
VILLAGE OF WOODSBURGH
Village Hall
30 Piermont Avenue
Hewlett, New York

February 4, 2020

Present: Steven Rabinoff, Chair
Joel Weiner, Fred Shornstein, Michael Krasne and David
Lasky, Members
Brian S. Stolar, Village Attorney
Dana Garraputa, Board Clerk

The meeting was called to order at 7:10 p.m.

The Board opened the continued hearing on the application of Andrew and Aleeza Lauer, as prospective purchasers, 116 Woodmere Boulevard South, Woodsburgh, New York, to construct rear, side and front additions to the existing dwelling and to construct an in-ground swimming pool with patio, which construction requires variances of the following Village Code sections: (a) 150-3(C), in that the proposed garage will accommodate only one vehicle, where a two (2) car garage is required, (b) 150-11, in that the side yard setback will be 10 feet, where a minimum of 20 feet is required, (c) 150-13.2, in that the height setback ratio will be 1.92, where a maximum of 1.05 is permitted, (d) 150-13.3, in that the floor area will be 5,412 square feet, where a maximum of 4,766 square feet is permitted, (e) 150-39(A)(1), in that the lot coverage will be 3,312 square feet (16.5%), where a maximum of 3,003.9 square feet (15%) is permitted, (f) 150-39(B), in that the impervious surface coverage will be 8,066 square feet, where a maximum of 6,566 square feet is permitted, and (g) 150-47(H), in that the pool is 22.5 feet, patio is 5 feet, and fence is 3 feet from the nearest property line, where a minimum of 25 feet is required. The proposed swimming pool

also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 61, Lot 6 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. Amir Savaldi appeared for the applicant.

The applicant submitted revised plans to the Board modifying the extent of the variances required, as follows: side yard setback was increased to 15 feet (where a minimum of 20 feet is required); side yard height setback ratio was reduced to 1.77 (where a maximum of 1.05 is permitted); floor area was increased to 5,439 square feet (where a maximum of 4,766 square feet is permitted); and lot coverage was reduced to 3,294 square feet (where a maximum of 3,003.9 square feet is permitted). The plans also reflected an impervious coverage reduction to 7,451 square feet, but during the public hearing the applicant agreed to modify the paving in the rear yard to eliminate the impervious coverage variance, and thus the Board did not consider this variance in rendering its determination.

The Board noted that while the floor area increased by 27 square feet, in view of the reductions of the various other coverage items and the setbacks, this variation was de minimus.

On motion duly made by Mr. Weiner, seconded by the Chair, and adopted unanimously, the Board closed the hearing, and reserved decision.

The Board discussed the Lauer application. On motion duly made by Mr. the Chair, seconded by Mr. Weiner, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, that the application is a Type II matter under SEQRA which requires no environmental review.

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, and adopted unanimously, the Board determined that the floor area increase of 27 square feet, in view of the reductions of the various other coverage items and the setbacks, was de minimus, and granted the special permit and variances, as amended (and excluding the impervious coverage variance, which it would have denied otherwise) in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) applicants shall modify the rear yard pavers in a manner that reduces the impervious coverage on the premises to not more than 6,566 square feet, (b) no later than six (6) months after the filing of this decision with the Village Clerk, the property owner shall obtain all required permits, (c) no later than one (1) year from the issuance of such building permit(s), the property owners shall obtain all required certificates of occupancy and/or completion for the proposed improvements, (d) applicants shall plant and maintain, for as long as the variances and special permit are required, evergreen screening planted at a height of 4 feet with a mature height of 6 feet, planted 6 feet on center, in the areas shown on the amended plan around the exterior of the pool fencing, and (e) all work shall conform to the amended plans submitted to the Board and as modified to reduce the impervious coverage to comply with the maximum permitted impervious coverage.

The Board opened the continued public hearing on the application of Michael Berry, 75 Willow Road, Woodsburgh, New York, to construct rear, side and front additions to the existing dwelling, which construction requires variances of the following Village Code sections: (a) 150-20, in that the side yard setback will be 10.46 feet from the side property line, where a minimum of 15 feet is required, and (b) 150-39(A)(1), in that the lot coverage will be 3,794 square feet (20%), where a maximum of 2,776.5

square feet (15%) is permitted. Premises are also known as Section 41, Block 40, Lot 466 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. Norman Wax appeared for the applicant.

The Board noted that a neighbor submitted a letter to the Board requesting the opportunity to review the plans with his representative. The Board noted that the original hearing in this matter took place on January 14, 2020, that notice was provided to the neighbor, that the neighbor states that he received that notice after the January 14, 2020 meeting, but that he received it in January after the original hearing date, that he spoke to the Village towards the end of January, but that he did not appear at the hearing or send any representative on his behalf and that he had time to do so for the continued hearing.

The applicant submitted revised plans to the Board modifying the extent of the variances required, as follows: side yard setback was increased to 12.5 feet (where a minimum of 15 feet is required) and lot coverage was reduced to 3,431 square feet (where a maximum of 2,776.5 square feet).

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, and adopted unanimously, the Board closed the hearing, and reserved decision.

The Board discussed the Berry application. On motion duly made by Mr. Weiner, seconded by Mr. Shornstein, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, that the application is a Type II matter under SEQRA which requires no environmental review.

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, and adopted unanimously, the Board granted the variances, as amended in accordance with the

short form format authorized by Village Code §150-56.1, on the following conditions: (a) applicant shall install drywells, sufficient in capacity as determined by the Building Inspector, to accommodate rainfall associated with the excess lot coverage, (b) no later than six (6) months after the filing of this decision with the Village Clerk, the property owner shall obtain all required permits, (c) no later than one (1) year from the issuance of such building permit(s), the property owners shall obtain all required certificates of occupancy and/or completion for the proposed improvements, (d) applicant shall plant and maintain, for as long as the variances are required, evergreen screening planted at a height of 4 feet with a mature height of 6 feet, planted 6 feet on center, running from the front corner of the dwelling to each side property line, and then continuing along the side yard of the property to a point parallel with the rear line of the dwelling, and (e) all work shall conform to the amended plans submitted to the Board on January 28, 2020.

There being no further business, the meeting was adjourned at 8:00pm.

THE ABOVE MINUTES WERE FILED IN
THE OFFICE OF THE VILLAGE CLERK
OF THE VILLAGE OF WOODSBURGH AT

TIME: _____ ~~A.M.~~/P.M. ON

DATE: _____, 2020
(Month) (Day)

PERSON FILING: _____
Steven Rabinoff, Chairman