

MINUTES
BOARD OF APPEALS
VILLAGE OF WOODSBURGH
VILLAGE HALL
30 PIERMONT AVENUE
HEWLETT, NEW YORK

September 1, 2021

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

The meeting was called to order at 7:00 p.m.

The Board opened the public hearing on the application of Joseph Shenker, as contract vendee, and Michelle and Reuven Garrett, as owners, 90 Birch Lane, Woodsburgh, New York, to construct a new single-family dwelling with attached garage, in-ground swimming pool, and associated improvements, which work requires variances of the following Village Code sections: (a) 150-22.2, in that the side height setback ratio will be 1.66, where the maximum permitted height setback ratio is 1.4, (b) 150-22.3, in that the proposed floor area is 4,983 square feet, where the maximum permitted floor area is 4,371 square feet, (c) 150-39(A)(1), in that the building coverage will be 21.7% or 3,836 square feet, where the maximum permitted building coverage is 15% or 2,656.8 square feet, (d) 150-39(F)(2), in that the swimming pool will be 1,000 square feet, where an individual accessory structure may not exceed 885.6 square feet, (e) 150-47(H), in that (i) the pool side yard setback will be 20.42 feet, where the minimum required side yard setback of 25 feet, (ii) the swimming pool will be located in a side yard, where a swimming pool is required to be in a rear yard only, (iii) the swimming pool equipment will be in a side yard, where swimming pool equipment is required to be in a rear yard only, and (iv) the swimming pool fence will be on the property line and no plantings are

proposed on the exterior side of the fence, where the swimming pool fence is required to be 25 feet from the property line and plantings to be on the exterior side of the fence, (f) 150-50(B) in that (i) the wall height will be 8 feet, where a maximum of 4 feet is permitted (g) 150-50(F), in that the fencing/wall will be on the property line with no exterior shrubbery, where a wall shall be a sufficient distance from the property line to plant landscaping to screen the wall. A swimming pool also requires a permit from the Board of Appeals pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 41, Lot 339 on the Nassau County Land and Tax Map.

The application was presented by Chris Kofitsas. The applicant noted that it had made several revisions to the plans, which revisions eliminated variances for impervious coverage, fencing height and the location of the air conditioning units.

The minutes of the hearing were transcribed stenographically. On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board closed the public hearing.

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

The Board discussed the Shenker application. After such discussion, on motion duly made by Mr. Wiener, seconded by Mr. Lasky, and adopted unanimously, the Board granted the variances, in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) the improvements shall be constructed in accordance with the revised plans submitted with the application, prepared by K2 Studios, entitled Shenker Residence, sheets A-000 (dated 04-07-2021, last revised 05-28-2021), A-001 (dated 04-07-2021, last revised 08-02-2021) and A-010, 111, 112, 200,

201, 300, and 301 (dated 04-07-2021, last revised 07-21-2021), (b) drainage relating to the improvements authorized by this decision shall be in accordance with applicable Village regulations and the Nassau County Department of Health standards and requirements, (c) the pool shall be surrounded by evergreen screening, in a manner that screens the pool from the abutting private properties, as approved by the Building Department, to provide for 6 foot tall plantings, 4 feet on center, planted at a height of not less than 4 feet, and such planting shall remain in place for so long as the pool shall remain on site, (d) no later than six (6) months after the filing of this decision with the Village Clerk, the property owners shall obtain all required permits, and (e) no later than two (2) years from the issuance of such building permit(s), the property owner shall obtain all required certificates of occupancy and/or completion for the proposed improvements.

On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board adjourned the public hearing on the application of Jennifer Cusumano, 316 Ivy Hill Road, Woodsburgh, to October 7, 2021, at 7:00pm.

The Board opened the public hearing on the application of Shimon and Naomi Fishman, 110 Wood Lane, Woodsburgh, New York, to construct a rear deck, in-ground swimming pool and associated improvements, which work requires variances of the following Village Code sections: (a) 150-39(A)(1), in that the building coverage will be 19.9% or 4,532.2 square feet, where the maximum permitted building coverage is 15% or 3,422.6 square feet, (b) 150-39(B), in that the impervious coverage will be 9,260 square feet, where a maximum of 7,235.87 square feet is permitted, (c) 150-39(F)(1), in that the rear deck will be 8.75 feet and the deck 9.92 feet, from the side property line, where a minimum of 15 feet is required, (d) 150-47(D), in that the shrubbery is located inside the swimming pool fence, where the fence is to be properly screened with shrubbery on the outside of the fence, and (e) 150-47(H), in that (i) the pool rear yard setback will be 10

feet, where the minimum required side yard setback of 25 feet, (ii) the pool side yard setback will be 14.33 feet, where a minimum of 25 feet is required, (iii) the pool equipment will be located 19.08 feet from a side property line, where a minimum of 25 feet is required, and (iv) the fence will be on the property line and no plantings are proposed on the exterior side of the fence, where the swimming pool fence is required to be 25 feet from the property line and plantings to be on the exterior side of the fence. A swimming pool also requires a permit from the Board of Appeals pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 68, Lot 275 on the Nassau County Land and Tax Map.

The application was presented by Gennaro Cozzolino. During the hearing, the applicant represented the pool could be relocated to a location 15 feet from the rear property line and the stone patio surrounding the pool could be modified to provide for permeable pavers. The modification to permeable pavers would eliminate the variance required for impervious coverage (150-39(B)).

The minutes of the hearing were transcribed stenographically. On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board closed the public hearing.

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

The Board discussed the Fishman application. After such discussion, on motion duly made by Mr. Wiener, seconded by Mr. Lasky, and adopted unanimously, the Board granted the variances, in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) the swimming pool shall be located no

closer than 15 feet from the rear property line, (b) the stone patio shall be constructed of permeable pavers, subject to confirmation by the Building Inspector that the permeable pavers results in an elimination of the requirement for an impervious coverage variance and that the entirety of the stone patio shall be constructed of permeable pavers, (c) except as revised in this decision, the improvements shall be constructed in accordance with the plans submitted with the application entitled "Plot Plan", dated June 20, 2020, revised 4-7-21, (d) drainage relating to the improvements authorized by this decision shall be in accordance with applicable Village regulations and the Nassau County Department of Health standards and requirements, (e) the pool shall be surrounded by evergreen screening, in a manner that screens the pool from the abutting private properties, as approved by the Building Department, to provide for 6 foot tall plantings, 4 feet on center, planted at a height of not less than 4 feet, and such planting shall remain in place for so long as the pool shall remain on site, (f) no later than six (6) months after the filing of this decision with the Village Clerk, the property owners shall obtain all required permits, and (g) no later than one (1) year from the issuance of such building permit(s), the property owner shall obtain all required certificates of occupancy and/or completion for the proposed improvements.

There being no further business, the meeting was adjourned at 8:02 pm.

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: _____, 2021
(Month) (Day)

PERSON FILING: _____
Steven Rabinoff, Chairman