

MINUTES
BOARD OF APPEALS
VILLAGE OF WOODSBURGH

December 8, 2020

Present: Steven Rabinoff, Chair
Joel Weiner, 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.

Due to public health and safety concerns related to COVID-19, and pursuant to the Governor's Executive Orders, the meeting and public hearings were held by videoconferencing, through Zoom. The meeting was recorded and a transcription will be provided at a later date.

The hearing notice provided the method for public participation, including the opportunity to submit comments through regular mail, electronic mail before, and via Zoom. The Zoom sign in information was provided in the hearing notices. The applicants presented their application through Zoom videoconference.

The application materials were made available for viewing and downloading, on the Village website, before and during the hearing.

The Board opened the public hearing on the application of Norman L. Wax, R.A., as agent for Neuberger Children Trust, 75 Willow Road, Woodsburgh, New York, to construct a pool, pavers, pool equipment, fencing and a wall, which work requires variances of the following Village Code sections: (a) 150-47(H), in that (i) the pool will be 15 feet from the side and rear property lines, (ii) the pool equipment will be 10 feet from the rear property line and 8.38 feet from the side property line, and (iii) the fence will be partially on the property lines, where a minimum setback of 25 feet is required, and (b)

150-50(F), in that there is no landscaping proposed between the pool fence and the property line, where landscaping is required to be planted between the fencing and the property line. The proposed pool also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 40, Lot 466 on the Nassau County Land and Tax Map.

The application was presented by Norman Wax.

The Board closed the public hearing. On motion duly made by the Chair, seconded by Mr. Weiner, 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 75 Willow Road application. After such discussion, on motion duly made by Mr. Weiner, seconded by the Chair, 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 pool equipment will be installed in a location no closer than 15 feet from the respective rear and side property lines; (b) 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 8 foot tall plantings, 6 feet on center, planted at a height of not less than 6 feet, and such planting shall remain in place for so long as the pool shall remain on site; (c) applicant shall install drywells and drainage facilities, to accommodate the pool and all proposed improvements, in a manner approved by the Building Department; (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, (e) 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, and (f) all approved and authorized work shall conform substantially to the plans submitted with the application, as modified by this determination.

The Board opened the public hearing on the application of Jeremy and Jessica Kirschner, 935 Browers Point Branch, Woodsburgh, New York, to construct a swimming pool, pool equipment, patios and fencing, which work requires variances of the following Village Code sections: (a) 150-47(C), in that the no screening with plants or shrubs is proposed along the exterior of the western or eastern fence, where a swimming pool fence is required to be screened with shrubs and plants located outside the fence; (b) 150-47(H), in that (i) the pool will be located in a front yard, where a pool may only be built in a rear yard, and (ii) the pool fencing will be located on the northern, western and eastern property lines, where a minimum setback of 25 feet is required; (c) 150-50(B), in that the fence will be 6 feet in height, where a maximum of 4 feet in height is permitted; and (d) 150-50(C), in that the proposed fence will be on the front property line, for the entire length, where no fence may be erected within 5 feet of a front property line and shall not exceed 50% of the linear dimension of the front property line. The proposed pool also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 61, Lot 2 on the Nassau County Land and Tax Map.

The application was presented by Paul Bloom and Andrew Filipazzi. The applicant's representatives stated that the applicants were withdrawing their request for a variance to permit a fence height to exceed four (4) feet.

The Board closed the hearing and reserved decision.

On motion duly made by the Chair, seconded by Mr. Weiner, 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 Kirschner application. On motion duly made by Mr. Weiner, 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 fencing shall be no higher than four (4) feet in height; (b) the pool shall be surrounded by evergreen screening, in a manner that screens the pool from the abutting private properties public right-of-way, as approved by the Building Department, to provide for 8 foot tall plantings, 6 feet on center, planted at a height of not less than 6 feet, and such planting shall remain in place for so long as the pool shall remain on site; (c) applicants shall install drywells and drainage facilities, to accommodate the pool and all proposed improvements, in a manner approved by the Building Department; (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, (e) 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, and (f) all approved and authorized work shall conform substantially to the plans submitted with the application, as modified by this determination.

The Board opened the public hearing on the application of Phillip and Gabriela Shapiro, 180 Ivy Hill Road, Woodsburgh, New York, to construct an addition, which construction requires variances of the following Village Code sections: (a) 150-11, in that the side yard setback will be 6.42 feet, where a minimum of 20 feet is required; (b) 150-13.3, in that the floor area will be 5,675 square feet, where a maximum of 5,509 square

feet is permitted; (c) 150-39(A), in that the lot coverage will be 4,480 square feet, where a maximum of 3,681 square feet is permitted; and (d) 150-39(B), in that the impervious coverage will be 8,465 square feet, where a maximum of 7,650.32 square feet is permitted. Premises are also known as Section 41, Block 71, Lot 15 on the Nassau County Land and Tax Map.

The application was presented by John MacLeod. The applicant noted that the addition replaces an existing impervious patio area.

The Board closed the hearing, and reserved decision.

On motion duly made by the Chair, seconded by Mr. Weiner, 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 Shapiro application. On motion duly made by Mr. Weiner, seconded by Mr. Lasky, and adopted three votes in favor and the Chair abstaining, 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 shrubbery presently screening the addition from view shall remain in place for as long as the addition shall remain on the premises; (b) no later than six (6) months after the filing of this decision with the Village Clerk, the property owners shall obtain all required permits, (c) 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, and (d) all approved and authorized work shall conform substantially to the plans submitted with the application, as modified by this determination.

There being no further business, the meeting was adjourned at 8:16 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: _____, 2020

(Month) (Day)

PERSON FILING: _____
Steven Rabinoff, Chairman