

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

February 22, 2022

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

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

The Board opened the continued public hearing on the application of Michael & Hanna Berry, 5 Willow Road, Woodsburgh, New York, to construct an in-ground swimming pool with spa, sports court, retaining walls, outdoor kitchen, and patio, which work requires variances of the following Village Code sections: (a) 150-39(A)(1), in that the building coverage will be 22.3% or 5,293.8 square feet, where the maximum permitted building coverage is 15% or 3,567.32 square feet, (b) 150-39(B), in that the impervious surface coverage will be 11,351 square feet, where the maximum permitted is 7,467.46 square feet, (c) 150-39(E), in that existing H frame utility structure is in a front yard, where accessory structures are not permitted in a front yard, (d) 150-39(G)(1) in that a sport court will be located on an existing lot size of 23,782.10 square feet, where the lot or premises upon the court is located shall have a minimum lot area of 40,000 square feet, (e) 150-39(G)(9) in that no screening shall be around the sports court, where all courts and the fencing surrounding it shall be completely screened by coniferous trees, and (f) 150-47(B) in that the pool fencing will be located 3 feet from the side and rear lot lines, where the minimum side and rear setback is 25 feet. A private recreational court requires

a permit from the Board of Appeals pursuant to Village Code 150-39(G)(9). A swimming pool also requires a special permit from the Board of Appeals pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 39, Lot 767 on the Nassau County Land and Tax Map.

The application was presented by Mike Rant. The applicant submitted revised plans, which were last revised on January 20, 2022. The revisions result in modifications to the required variances, in that the proposed building coverage is reduced to 4,580.3 square feet (3,567.32 square feet is the maximum permitted), proposed impervious coverage is reduced to render it compliant, the H frame utility structure is relocated to a zoning compliant location, screening (7-8 foot arborvitae, planted 5 feet on center) will be placed around the sports court in a manner that renders the screening zoning compliant, and the pool fencing is relocated from 3 feet from the side and rear lot lines to a compliant location in relation to the rear lot line and 15.3 feet from the north side property line (where 25 feet is required). As a result of the change, the following variances are now required: (a) 150-39(A)(1), in that the building coverage will be 19.3% or 4,580.3 square feet, where the maximum permitted building coverage is 15% or 3,567.32 square feet, (b) 150-39(G)(1) in that a sport court will be located on an existing lot size of 23,782.10 square feet, where the lot or premises upon the court is located shall have a minimum lot area of 40,000 square feet, and (c) 150-47(B) in that the pool fencing will be located 15.3 feet from the side lot line, where the minimum side and rear setback is 25 feet. The sports court requires a permit, and the pool requires a special permit, from the Board.

The minutes of the hearing were transcribed stenographically. The Board requested that the applicant provide an updated topographical survey of the Premises, including spot elevations of the premises and the bordering areas of adjoining properties,

plans reflective of the proposed final topography, and an engineering report demonstrating that the changes to the property relating to the variances will assure that all stormwater runoff will be retained on site and not impact the southerly neighboring properties. On motion duly made by Mr. Wiener, seconded by Mr. Lasky, and adopted unanimously, the Board continued the public hearing to April 5, 2022, at 7:00pm.

The Board opened the continued public hearing on the application of Chaim Kiffel, 69 Willow Road, Woodsburgh, New York, to construct one and two story additions, which construction requires variances of the following Village Code sections: (a) 150-20, to permit a northerly side yard setback will be 5.83 feet, where a minimum setback of 15 feet is required; (b) 150-22.2, to permit a height setback ratio of 2.96, where a maximum of 1.4 is permitted; (c) 150-39(A)(1) to permit lot coverage of 3,465 square feet, where the maximum permitted lot coverage is 2,950.65 square feet; and (d) 150-22.3, to permit floor area of 5,738 square feet, where a maximum of 4,764.33 square feet is permitted. Premises are designated as Section 41, Block 40, Lot 566 on the Nassau County Land and Tax Map.

The application was presented by Richard Bienenfeld, from Bienenfeld Architects. The minutes of the hearing were transcribed stenographically. The applicant identified the revisions to the plans, which revisions removed the second story addition above the garage, incorporated an infill first story in front of the garage and relocated the remaining additions to the rear of the dwelling compliant with setback requirements. As a result of the revisions, only the one-story infill in front of the garage now encroaches into the side yard setback, the height-setback ratio on account of the second story addition has been removed, and the proposed floor area has been reduced from 5,738 square feet to 5,702 square feet. No change has been made to the proposed lot coverage.

The minutes of the hearing were transcribed stenographically. On motion duly made by Mr. Wiener, seconded by Mr. Krasne, and adopted unanimously, the Board closed the public hearing and reserved decision. 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. After discussing the Kiffel application, on motion duly made by Mr. Wiener, seconded by Mr. Krasne, and adopted unanimously, the Board granted the variances, as shown in the plans, last revised February 10, 2022 (the "Plans"), in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) except as modified by this decision, the improvements shall be constructed in accordance with the Plans, (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, and (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.

There being no further business, the meeting was adjourned at 7:50pm.

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: _____, 2022
(Month) (Day)

Steven Rabinoff, Chairman: _____