

MINUTES  
BOARD OF APPEALS  
VILLAGE OF WOODSBURGH

January 28, 2021

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 7:01 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 Jennifer Cusumano, 316 Ivy Hill Road, Woodsburgh, New York, to construct a garage, which work requires variances of the following Village Code sections: (a) 150-3(C), in that the garage will be a one car garage, where a two car garage is required; (b) 150-13.2, in that side height/setback ratio will be 2.50, where the maximum permitted ratio is 1.05; (c) 150-13.3, in that the floor area will be 5,756 square feet, where the maximum permitted floor area is 5,583 square feet; (d) 150-39(A), in that the lot coverage will be 3,885 square feet ,

where the maximum permitted lot coverage is 3,737.25 square feet; and (e) 150-54(A), in that the side yard setback will be 4 feet, where the minimum side yard setback is 15 feet. Premises are also known as Section 41, Block 70, Lot 459 on the Nassau County Land and Tax Map.

The application was presented by Paul Bigler. The Board noted that the zoning calculations varied from the survey. The Board also noted the significance of the variances requested.

After discussing these deficiencies, the Board continued the public hearing to March 3, 2021, at 7:00pm.

The Board opened the public hearing on the application of Nicole Spivak, 801 Keene Lane, Woodsburgh, New York, to construct a swimming pool with a patio, pool equipment and required fencing, which work requires variances of the following Village Code sections: (a) 150-39(B), in that the proposed impervious surface coverage will be 6,545 square feet, where the maximum permitted impervious surface coverage is 5,188.9 square feet; (b) 150-47(D), in that there is no landscaping proposed between the pool fence and the property line, where landscaping is required to be planted outside of the fencing; (c) 150-47(H), in that (i) the proposed pool is in a front yard, (ii) the pool will be 14.92 feet from southerly front property line, (iii) the pool will be 15.08 feet from the westerly front property line, (iv) the pool equipment is 11.25 feet from the side property line, and (v) the pool fencing will be on the property line, where pools shall be built or maintained in a rear yard, including its equipment and fencing and shall have a minimum setback of 25 feet from all property lines on a corner lot. The proposed pool also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 45, Lot 29 on the Nassau County Land and Tax Map.

Steven Affelt represented the applicant. The applicant proposed to reduce the impervious coverage by constructing pervious pavers in place of certain existing impervious pavers. The Board closed the hearing, and reserved decision.

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, 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 801 Keene Lane application. After such discussion, 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 total impervious coverage, which shall be identified in a revised plan containing an itemization of the elements included in the impervious coverage calculation, shall not exceed 5,700 square feet; (b) the pool and pool equipment will be installed in the locations depicted on the plans submitted with the application; (c) the fencing 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, (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 David Feiner, 811 Keene Lane, Woodsburgh, New York, to construct a second floor addition and alterations to the existing dwelling, which work requires variances of the following Village Code sections: (a) 150-17(A), in that the existing lot size is 12,352.6 square feet, where no building shall be erected or altered on a lot size of less than 14,500 square feet, (b) 150-20, in that the proposed north side yard setback will be 13.2 feet, where the minimum side yard setback is 15 feet, (c) 150-22.1, in that the proposed front height/setback ratio will be 0.66, where the maximum front yard setback ratio is 0.60, (d) 150-22.2, in that the proposed side height setback ratio will be 1.83, where the maximum side height setback ratio is 1.40, (e) 150-39, in that the proposed lot coverage will be 2,497 square feet, where the maximum lot coverage shall not exceed 1,852.89 square feet, (f) 150-50.2, in that there is no proposed plantings/landscaping screening the air conditioning units, where plantings/landscaping is required to screen the air conditioning units. Premises are also known as Section 41, Block 45, Lot 22 on the Nassau County Land and Tax Map.

The application was presented by Todd O'Connell.

The Board closed the hearing and reserved decision.

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, 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 Feiner application. On motion duly made by the Chair, seconded by Mr. Weiner, 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 applicant shall install evergreen screening, in a manner that screens the air conditioning units from the abutting private properties, as approved by the

Building Department, to provide for 4 foot tall plantings, and such planting shall remain in place for so long as the pool shall remain on site; (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 8:08 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