

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

November 9, 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 7:09p.m.

The Board opened the public hearing on the application of Scott Selinger, 56 Willow Road, Woodsburgh, New York, to construct an inground swimming pool with patio and fencing, which work requires variances of the following Village Code sections: (a) 150-39(A)(1) in that the building coverage will be 4,002 square feet or 27.6%, where the maximum permitted lot coverage is 2,175.32 square feet, (b) 150-39(B) in that the impervious surface coverage will be 6,753 square feet, where the maximum impervious surface coverage is 5,170.29 square feet, and (c) 150-47(H), in that the pool fence will be (i) 5 feet from the rear property line, (ii) 6 feet from the north side property line, and (iii) 3 feet from the south side property line, where a minimum of 25 feet is required. A swimming pool also requires a permit from the Board of Appeals pursuant to Village Code §150-47(8). Premises are also known as Section 41, Block 38, Lot 727 on the Nassau County Land and Tax Map.

The application was presented by Kevin Natalie. The applicant noted that several revisions had been made to the plans, which revisions reduced building coverage and impervious surface coverage to 3,431 square feet and 6,644 square feet, respectively.

The minutes of the hearing were transcribed stenographically. On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board continued the public hearing to January 4, 2022, at 7:00pm.

The Board opened the continued 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 applicant was represented by Todd O'Connell. The applicant noted that several revisions had been made to the plans, which revisions resulted in the elimination of the north side yard setback and side height setback ratio variances, as well as the screening requirement for the air conditioning units, and reduced the floor area to 3,765 square feet and lot coverage to 2,228 square feet.

The minutes of the hearing were stenographically transcribed. Board members expressed their concerns about the proposed size of the building and the height setback

in the front yard and inquired whether the applicant could mitigate those issues. The applicant determined to move forward with the current plans, without any mitigation or proposed reductions in the areas of concern identified by the Board members.

On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board closed the public hearing and reserved decision. After discussing the Feiner application, on motion duly made by the Chair, seconded by Mr. Wiener, 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, and the Board denied the variances, in accordance with the short form format authorized by Village Code §150-56.1.

The Board opened the 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.

Mr. Shornstein recused himself from participation in the application and stepped down from the dais.

The application was presented by Mike Rant. The applicant noted certain plan modifications.

The minutes of the hearing were transcribed stenographically. On motion duly made by Mr. Wiener, seconded by the Chair, and adopted unanimously, the Board continued the public hearing to January 4, 2022, at 7:00pm.

The Board opened the public hearing on the application of Dan Goldschlag, 75 Manor Lane, Woodsburgh, to construct a pergola 10.53 feet from the side property line, where Village Code §150-29(B) provides for a minimum required setback of 15 feet. Premises are also known as Section 41, Block 44, Lots 78 and 79 on the Nassau County Land and Tax Map.

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

On motion duly made by the Chair, seconded by Mr. Wiener, 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 Goldschlag application. After such discussion, on motion duly made by Mr. Wiener, seconded by Mr. Shornstein, and adopted unanimously, the Board granted the variance, in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) evergreen screening shall be planted at a height of 6 feet and maintained thereafter at a height of 8 feet between the pergola and the southwest property line abutting the pergola, to cover the gaps in the existing screening, to limit the view of the pergola from the abutting property, and such planting shall remain in place for so long as the pergola shall remain on the premises, (b) the improvements shall be constructed in accordance with the plans submitted with the application, (c) 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 (d) 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 8:33 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)

STEVE RABINOFF, CHAIRMAN: \_\_\_\_\_