

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

November 3, 2022

Present: Joel Wiener, Mike Krasne, and David Lasky, Members
Dana Garraputa, Board Clerk
Brian Stolar, Village Attorney (via Zoom)
Dennis Fromigia, Building Inspector (via Zoom)

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

In the absence of the Chair, on motion made by Mr. Krasne, seconded by Mr. Lasky, and adopted unanimously, the Board designated Mr. Wiener to serve as Acting Chair for the meeting.

The Board opened the public hearing on the application of Helena and Jay Rubin, 80 Willow Road, Woodsburgh, New York, to construct a swimming pool enclosure, which construction requires variances of the following Village Code sections: (a) 150-39(A)(1), to permit a lot coverage of 5,360.53 square feet, where a maximum of 3,598 square feet is permitted, (b) 150-20(A), to permit a side yard setback of 6.8 feet, where a minimum of 15 feet is required, and (c) 150-18, to permit a rear yard setback of 6 feet, where a minimum of 25 feet is required. Premises are also known as Section 41, Block 38, Lot 514 on the Nassau County Land and Tax Map.

The applicants submitted information relative to a claimed physical impairment qualifying as a disability under the Fair Housing Act and the Americans with Disabilities Act and requested the variances as a reasonable accommodation.

The minutes of the hearing were transcribed stenographically. On motion by Mr. Lasky, seconded by Mr. Krasne, and adopted unanimously, the Board closed the hearing.

On motion duly made by Mr. Krasne, 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 Rubin application. After such discussion, on motion duly made by the Acting Chair, 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, with the following conditions: (a) the information provided by the applicants demonstrates a qualifying disability under the Fair Housing Act and the Americans with Disabilities Act, for which a reasonable accommodation is warranted, (b) construction of the pool enclosure shall be in compliance with the plans submitted with the application, (c) any additional drainage facilities determined necessary for the enclosure, by the Building Department, shall be installed and maintained for as long as the enclosure shall remain in place, (d) the variances will terminate, and the property must be restored to its previous condition, when the applicant ceases to reside at the property, as the qualifying disability shall no longer apply, (e) no later than six (6) months after the filing of this decision with the Village Clerk, the applicants shall obtain all required permits for the enclosure, and (f) no later than one (1) year from the issuance of such building permit(s), the applicants shall obtain all required certificates of occupancy and/or completion for the proposed enclosure.

The Board opened the public hearing on the application of Shimon and Naomi Fishman, 110 Wood Lane, Woodsburgh, to construct two pergolas and install fire bowls

along the poolside, which construction requires variances of the following Village Code sections: (a) 150-11, to permit the pergola at the rear of the house to be 11 feet from the side property line, where a minimum setback of 20 feet is required, (b) 150-39(A)(1), to permit a lot coverage of 4,879 square feet, where the maximum permitted lot coverage is 3,422.55 square feet. Premises are also known as Section 41, Block 68, Lot 275 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. The Board noted that work in connection with the previous variances obtained by the applicant remained incomplete, and that the applicant must finalize the work associated with that variance before the Board will consider the new application. The Board adjourned the hearing to December 6, 2022, at 7:00pm.

The Board opened the continued public hearing on the application of Michael & Hanna Berry, 5 Willow Road, Woodsburgh, to construct an in-ground swimming pool with spa, outdoor kitchen, roof overhang and patio which construction requires variances of the following Village Code sections: (a) 150-39(A), to permit the lot coverage to be 19.3% or 4,580.3 square feet, where a maximum lot coverage of 15% or 3,567 SF is permitted, and (b) 150-47(B), to permit the pool fencing to be 15.3 feet from the northeast side lot line, where a minimum of 25 feet is required, and also requires a permit under Village Code §150-47, to permit a swimming pool and its appurtenances.

The minutes of the hearing were stenographically transcribed. The applicants were represented by John Armentano and Mike Rant. On motion by the Acting Chair, seconded by Mr. Krasne, and adopted unanimously, the Board closed the hearing.

On motion duly made by the Acting Chair, seconded by Mr. Krasne, 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 Berry application. After such discussion, on motion duly made by Mr. Krasne, seconded by the Acting 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) except as modified herein, the improvements shall be constructed in accordance with the plans submitted with the application, last revised August 25, 2022, (b) applicants shall plant and maintain along the north, west and south portions of the yard, evergreen screening, planted at a minimum height of 4 feet, maintained at a height of 6 feet, and 4 feet on center, in a manner so as to visually obstruct the pool and pool patio areas from neighboring properties, as determined by the Building Inspector, (c) the pergola shall contain no covering, including any covering designed or used for shade or wind prevention purposes, on the top or the sides, (d) the topography of the yard in the location of the pool shall be modified to remove soil such that the elevations shall match the elevations depicted in the 2006 topographical survey of the property, (e) the pool and patio areas shall include a flat surface, (f) the patio areas surrounding the pool shall consist of Ecoridge 80MM permeable pavers, (g) the plantings required by this approval shall be planted prior to the commencement of the construction of the pool, except for any portions necessary for construction access to the pool area, and any such access areas shall be immediately planted upon completion of construction and prior to issuance of a certificate of occupancy or completion for the pool, (h) the fire structure depicted in the approved plan shall be removed from the plan and not be installed, (i) the final elevation height of the pool shall be 16.5, (j) 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 (k) 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.

Upon the request of Jonathan Mizrachi and Shoshana Penstein, 5 Manor Lane, Woodsburgh, the Board continued the public hearing on the 5 Manor Lane application, to December 6, 2022, at 7:00pm.

There being no further business, the meeting was adjourned at 8:38 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: _____, 2022
(Month) (Day)

PERSON FILING: _____
Joel Wiener, Acting Chairman