

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

September 20, 2023

Present: Steven Rabinoff, Chair
Joel Wiener, Mike Krasne, Fred Schornstein and
David Lasky, Members
Dana Garraputa, Board Clerk
Brian S. Stolar, Esq., Village Attorney (via Zoom)
Dennis Fromigia, Building Inspector (via Zoom)

The meeting was called to order at 7:01 p.m.

The Board opened the continued public hearing on the application of Micha and Lika Kalbo, 100 Woodmere Boulevard South, Woodsburgh, New York, to construct additions, alterations, a swimming pool, pavement, retaining walls, fencing and piers, which construction requires variances of the following Village Code sections: (a) 150-10, in that the following proposed improvements are set back from the front property line the following distances (i) addition over the garage is 40.6 feet, (ii) entry roof overhang is 41.4 feet, (iii) foyer addition is 45.39 feet, (iv) 2nd floor addition is 34.47 feet, (v) 2nd story deck is 30.52 feet, and (vi) pergola is 20.25 feet, where a minimum of 50 feet is required; (b) 150-13.1, in that the following improvements will have the following height-setback ratios, (i) garage addition (from Woodmere Boulevard South) 0.436, (ii) garage addition (Browsers Point Branch) 0.4826 at the peak and 0.533 at the low point, (iii) foyer addition 0.54, and (iv) 2nd floor addition 0.534 at the peak and 0.63 at the low point, where a maximum ratio of 0.42 is permitted; (c) 150-39(A)(1), in that the lot coverage will be 5,655.5 square feet, where a maximum of 3,441.36 square feet is permitted; (d) 150-39(B), in that the

impervious surface coverage will be 10,685.8 square feet, where a maximum of 7,265.94 square feet is permitted; (e) 150-39(E), in that (i) the play set is 11 feet from the southerly property line and (ii) the pool shed is 8.333 feet from a property line, where a minimum of 13.33 feet is required; (f) 150-39(E), in that the (i) play set and (ii) pergola, are in a front yard, where no accessory structure is permitted in a front yard; (g) 150-39.1(A)(1), in that the outdoor kitchen is located partially in a front yard, where no such kitchen may be located in a front yard; (h) 150-47(H), in that the (i) pool and spa are located partially in a front yard, (ii) pool equipment is located in a front yard, (iii) retaining wall and pool fencing on top are located in a front and side yard, (iv) retaining wall and fencing on top are located 5 feet from Browers Point Branch, (v) retaining wall and pool fencing on top are located 3.75 feet from the easterly property line, (vi) retaining wall and pool fencing are located 5 feet from the southerly property line, (vii) pool and spa are located 20.32 feet from the front property line, (viii) pool and spa are located 22.77 feet from the side property line, where a pool, including pool fencing and pool equipment shall be located not less than 25 feet from the rear property line, 25 feet from the side property line, and for a corner lot 25 feet from any property line abutting a street; and (i) 150-50(B), in that the fence on top of the retaining wall is 4.583 feet in height, where a maximum height of 4 feet is permitted. The swimming pool also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 61, Lot 8 on the Nassau County Land and Tax Map.

The applicant had submitted plans eliminating the proposed pool, spa, pool shed, pergola, pool fencing, outdoor kitchen, retaining wall, pool equipment and play set. As a result of the elimination of these improvements, the only variances required are as to the front yard setback and height-setback ratios related to the building additions.

The hearing was stenographically transcribed. After hearing testimony and there being no other person seeking to provide testimony, on motion by the Chair, seconded by Mr. Wiener, and adopted unanimously, the Board closed the hearing, and reserved decision.

On motion 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.

The Board discussed the 100 Woodmere Boulevard South application. After such discussion, on motion made by Mr. Wiener, seconded by Mr. Schornstein, and approved unanimously, the Board adopted the following short form decision:

KALBO SHORT FORM DECISION
(adopted in accordance with Village Code §150-56.1)

1. Micha and Lika Kalbo, 100 Woodmere Boulevard South, Woodsburgh, New York, applied to construct additions, alterations, a swimming pool, pavement, retaining walls, fencing and piers, which construction requires variances of the following Village Code sections: (a) 150-10, in that the following proposed improvements are set back from the front property line the following distances (i) addition over the garage is 40.6 feet, (ii) entry roof overhang is 41.4 feet, (iii) foyer addition is 45.39 feet, (iv) 2nd floor addition is 34.47 feet, (v) 2nd story deck is 30.52 feet, and (vi) pergola is 20.25 feet, where a minimum of 50 feet is required; (b) 150-13.1, in that the following improvements will have the following height-setback ratios, (i) garage addition (from Woodmere Boulevard South) 0.436, (ii) garage addition (Browsers Point Branch) 0.4826 at the peak and 0.533 at the low point, (iii) foyer addition 0.54, and (iv) 2nd floor addition 0.534 at the peak and 0.63 at the low point, where a maximum ratio of 0.42 is permitted; (c) 150-39(A)(1), in that the lot coverage will be 5,655.5 square feet, where a maximum of 3,441.36 square feet is permitted; (d) 150-39(B), in that the impervious surface coverage will be 10,685.8 square feet, where a maximum of 7,265.94 square feet is permitted; (e) 150-39(E), in that (i) the play set is 11 feet from the southerly property line and (ii) the pool shed is 8.333 feet from a property line, where a minimum of 13.33 feet is required; (f) 150-39(E), in that the (i) play set and (ii) pergola, are in a front yard, where no accessory structure is permitted in a front yard; (g) 150-39.1(A)(1), in that the outdoor kitchen is located partially in a front yard, where no such kitchen may be located

in a front yard; (h) 150-47(H), in that the (i) pool and spa are located partially in a front yard, (ii) pool equipment is located in a front yard, (iii) retaining wall and pool fencing on top are located in a front and side yard, (iv) retaining wall and fencing on top are located 5 feet from Browers Point Branch, (v) retaining wall and pool fencing on top are located 3.75 feet from the easterly property line, (vi) retaining wall and pool fencing are located 5 feet from the southerly property line, (vii) pool and spa are located 20.32 feet from the front property line, (viii) pool and spa are located 22.77 feet from the side property line, where a pool, including pool fencing and pool equipment shall be located not less than 25 feet from the rear property line, 25 feet from the side property line, and for a corner lot 25 feet from any property line abutting a street; and (i) 150-50(B), in that the fence on top of the retaining wall is 4.583 feet in height, where a maximum height of 4 feet is permitted. The swimming pool also requires a special permit pursuant to Village Code §150-47(B). Premises are also known as Section 41, Block 61, Lot 8 on the Nassau County Land and Tax Map (the "Premises").

2. The applicants own the Premises.
3. The applicants modified the application to eliminate all improvements except the second story additions to the residential structure.
4. As modified, and solely to permit the second story additions as proposed, subject to the applicants planting and maintaining evergreen screening to minimize the view of the additions from the public in a manner that does not adversely impact pedestrian and vehicular traffic, in accordance with a landscaping plan approved by the Building Department.
5. As a further condition of the variances granted herein, (a) no later than six (6) months after the filing of this decision with the Village Clerk, the applicant shall obtain necessary building permits, (b) within one (1) year of the issuance of a building permit, the applicant shall obtain all required certificates of occupancy and/or completion for the improvements, to the extent approved herein, and (c) all approved and authorized work shall conform to the plans submitted with this application.

The Board opened the public hearing on the application of WG Woodmere, LLC, 99 Meadow Drive, Woodsburgh, New York, (a) appealing the Building Inspector's June 29, 2023 determination that (i) Village Code §150-106 applies and the applicant is required to provide certain details as required therein, (ii) the conceptual plan is required to contain details as indicated in the Building Inspector's determination, (iii) pursuant to

Village Code §150-111(A), proposed lots 60, 61, 81-88 and 138-145 are not permitted uses within the Open Space/Recreation subdistrict, (iv) pursuant to Village Code §150-111(C), proposed lots 138-140 are not permitted uses within the Open Space/Recreation subdistrict, and (v) pursuant to Village Code §150-111(A), a proposed road is not a permitted use within the Open Space/Recreation subdistrict, and in the alternative, requesting variances of the aforesaid provisions, and (b) requesting variances of the following Village Code sections: (i) 150-113, to permit proposed lots 43, 44, 52 and 56-59 to not include the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (ii) 150-113, to permit proposed lot 45 to contain lot area of 5,948.4 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 54 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (iii) 150-113, to permit proposed lot 46 to contain lot area of 6,611.4 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 62 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (iv) 150-113, to permit proposed lot 47 to contain lot area of 7,385.2 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 78 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (v) 150-113, to permit proposed lot 48 to contain lot area of 8,801.2 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 54 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open

Space/Recreation subdistrict, (vi) 150-113, to permit proposed lot 49 to contain lot area of 9,603.1 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 84 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (vii) 150-113, to permit proposed lot 50 to contain lot area of 11,548.6 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 58 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (viii) 150-113, to permit proposed lot 51 to contain lot area of 4,994.4 square feet, where 15,000 square feet is required, a 75 foot width for a depth of 11 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, (ix) 150-113, to permit proposed lot 52 to have a 75 foot width for a depth of 122 feet, where the 75 foot width must be maintained for a depth of 125 feet, and the lot does not contain the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict, and (x) 150-113, to permit lots 56 through 59 to contain less than the required 50 feet of rear property line adjacent to the Open Space/Recreation subdistrict. Premises are also known as Section 41, Block D, Lots 53 and 55; Block F, Lots 40, 123 and 310; Block 72, Lot 1 on the Nassau County Land and Tax Map.

The hearing was stenographically transcribed. Chris Browne, Esq. and Kevin Walsh presented on behalf of the applicant. Interested members of the public presented testimony.

During the hearing, the Board noted certain items and details that should be provided by the applicant, and the applicant's representative agreed to provide such information. The Board also noted that it only received a complete application recently and would be referring the application to the Nassau County Planning Commission as required by the General Municipal Law.

On motion made by Mr. Krasne, seconded by the Chair, and adopted unanimously, the Board adjourned the hearing to the next available Board meeting date.

There being no further business, the meeting was adjourned at 8:35 pm.

THE ABOVE MINUTES WERE FILED IN
THE OFFICE OF THE VILLAGE CLERK
OF THE VILLAGE OF WOODSBURGH AT

PERSON FILING: _____
Steve Rabinoff, Chairman