

MINUTES  
BOARD OF APPEALS  
VILLAGE OF WOODSBURGH

June 25, 2020

Present: Steven Rabinoff, Chair  
Joel Weiner, Michael Krasne and David Lasky, Members  
Brian S. Stolar, Village Attorney  
Dana Garraputa, Board Clerk

The meeting was called to order at 7:18 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 notices for the applications 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 applications 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 Lori Schlesinger and Lawrence Hill, 800 Barberry Lane, Woodsburgh, New York, to construct an in-ground swimming pool with a spa, patio and fencing, which construction requires variances of the following Village Code sections: (a) 150-39, in that the proposed impervious surface coverage will be 8,598 square feet, where a maximum of 6,689.12 square feet is permitted; (b) 150-47(D), in that the proposed shrubbery screening will be along the

interior of the fence located on the north side property line, where every swimming pool shall be enclosed by a fence and said fence shall be properly screened with shrubs and plants located outside the fence; (c) 150-47(H), in that a 25 foot setback is required and is not met as follows: (i) the southwest swimming pool setback will be 15.32 feet, (ii) the northerly swimming pool setback will be 20 feet, (iii) the northerly swimming pool equipment setback will be 20 feet, (iv) the fence will be 7.48 feet from Ivy Hill Road, (v) the swimming pool fence adjoining the northerly lot line will be setback 0 feet, and (vi) the swimming pool fence at the northeast corner setback will be 2 feet. The proposed swimming pool and spa also requires a special permit pursuant to the Village Code §150-47(B). Premises are also known as Section 41, Block 71, Lot 25 on the Nassau County Land and Tax Map.

Andrew Kaplan presented the application on behalf of the applicants. The hearing testimony was recorded and will be transcribed stenographically.

The applicant proposed to reduce the impervious coverage by modifying the pool patio to permeable pavers. The resulting modification would reduce the proposed impervious coverage from 8,598 square feet to 7,426 square feet. The only impervious coverage proposed to be added would result from the pool area.

On motion duly made by Mr. Weiner, seconded by the Chair, and adopted unanimously, the Board closed the hearing, and reserved decision.

The Board discussed the Schlesinger application. On motion duly made by Mr. the Chair, seconded by Mr. Weiner, 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.

On motion duly made by Mr. Lasky, seconded by Mr. Weiner, and adopted unanimously, the Board, and granted the special permit and variances, as amended to modify the pool patio to permeable pavers, in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) applicants shall modify the rear yard pavers in a manner that reduces the impervious coverage on the premises to not more than 7,426 square feet, (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 owners shall obtain all required certificates of occupancy and/or completion for the proposed improvements, (d) applicants shall plant and maintain, for as long as the variances and special permit are required, evergreen screening planted at a height of 4 feet with a mature height of 6 feet, planted 6 feet on center, in the areas shown on the amended plan around the exterior of the pool fencing, and (e) with the exception of the patio pavers being permeable, all work shall conform to the plans submitted to the Board.

The Board opened the public hearing on the application of Shmuel Berry and Raizel Weiss, 847 Ivy Hill Road, Woodsburgh, New York, to construct an in-ground swimming pool, pool fence and related improvements, which construction requires variances of the following Village Code sections: (a) 150-39(A)(1), in that the lot coverage will be 5,746.6 square feet, where a maximum of 4,404.47 square feet is permitted; (b) 150-39(E), in that (i) a playset, (ii) in-ground trampoline, (iii) fire pit, (iv) masonry fireplace wall, (v) pergola, (vi) pavilion, and (vii) outdoor kitchen island, are each located in a front yard, where no accessory structures are permitted in a front yard; (c) 150-47(D), in that there is no shrubbery on the exterior of the fencing, where pool fencing is required to be screened by shrubs; (d) 150-47(H), in that (i) the pool, spa, pool equipment and fencing

are located in a front yard, where all pools, fencing and equipment are required to be located in a rear yard, (ii) the pool equipment is 14.67 feet from the westerly lot line, where a minimum of 25 feet is required, (iii) the fencing is located 5 feet from the westerly lot line, where a minimum of 25 feet is required, and (iv) the fencing is located 5 feet from the Hickory Road lot line, where a minimum of 25 feet is required; and (e) 150-50(C), in that the fence is located 5 feet from Hickory Road, where no fence or wall may be located within 5 feet of a front property line. The proposed swimming pool and spa also requires a special permit pursuant to the Village Code §150-47(B). Premises are also known as Section 41, Block 112, Lot 70 on the Nassau County Land and Tax Map.

Mike Rant presented the application on behalf of the applicants. The hearing testimony was recorded and will be transcribed stenographically.

The applicant advised that the request to install a playset, as proposed on the plans, was withdrawn.

On motion duly made by Mr. Weiner, seconded by Mr. Lasky, and adopted unanimously, the Board closed the hearing, and reserved decision.

The Board discussed the Berry application. On motion duly made by the Chair, seconded by Mr. Krasne, 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.

On motion duly made by Mr. Weiner, seconded by the Chair, and adopted unanimously, the Board granted the variances, as amended (to eliminate the playset) in accordance with the short form format authorized by Village Code §150-56.1, on the following conditions: (a) the firepit shall be placed in a location, as permitted under the applicable building and fire code provisions, (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 owners shall obtain all required certificates of occupancy and/or completion for the proposed improvements, (d) applicants shall plant and maintain, for as long as the variances are required, evergreen screening planted at a height of 4 feet with a mature height of 6 feet, planted 6 feet on center, running along the front and side property lines, in the area shown on the plans, as well as the area on the east property line extending to a point that restricts the view of the pool and patio from the neighboring property, and (e) with the exception of the exclusion of the playset, all work shall conform to the plans submitted to the Board.

The Board opened the public hearing on the application of Ari and Shira Hoschander, 45 Willow Road, Woodsburgh, New York, to construct an in-ground swimming pool, pool fence and related improvements, which construction requires variances of the following Village Code sections: (a) 150-47(H), in that (i) the pool and fencing is partially in a side yard, where all pools, fencing and equipment are required to be located in a rear yard; (ii) the fence is setback 22.5 feet from the rear property line, where a minimum of 25 feet is required, and (iii) the pool is located 10 feet, and the fence 1 foot, from the side yard property line, where a minimum of 25 feet is required; and (b) 150-39, in that the impervious coverage will be 5,898 square feet, where a maximum of 5,710 square feet is permitted. The proposed swimming pool and spa also requires a special permit pursuant to the Village Code §150-47(B). Premises are also known as Section 41, Block 40, Lot 465 on the Nassau County Land and Tax Map.

Esther Adler presented the application on behalf of the applicants. The hearing testimony was recorded and will be transcribed stenographically.

The applicants advised that they sought approval for a revised plan, after consulting with the neighbors. That plan was presented by the applicants, but depicted variances that were not included in the legal notice. The Board was not able to consider the revised plan without proper notice of the modified variances, including the addition of a rear yard variance that did not exist in the original plans, as it did not have jurisdiction to consider the revisions without proper notice. The applicants noted that the neighbor who would be impacted directly by the revised plans stated that there was no objection to the proposed revised plans.

Mr. Weiner moved to close the hearing and grant the variances based on the modified plans. There was no second, and the motion failed. On motion duly made by Mr. Weiner, seconded by the Chair, and adopted unanimously, the Board continued the public hearing to July 8, 2020, at 7:00pm.

There being no further business, the meeting was adjourned at 8:42pm.

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

TIME: 4:57 /P.M. ON

DATE: \_\_\_\_\_, 2020

(Month) (Day)

PERSON FILING: \_\_\_\_\_

(Print full name of filer)