

Incorporated village of Woodsburgh Board of Zoning Appeals Petition

In the matter of the application of owner name(s) as per the Deed: WFIT 127 LLC For a variance of section(s): VILLAGE CODE(S) 150-50.2, 150-39(g)(8), 150-39 (g)(9), 150-39(B), 139-39(E), of the Village Code of the Incorporated Village of Woodsburgh.

To: The Board of Zoning Appeals Incorporated Village of Woodsburgh The petition of WFIT 127 LLC respectfully alleges as follows: The petitioner(s) owns the property which is the subject of this application located at 830 Barbary Lane Woodmere NY, 11598. The premises is also designated as Section , Block , Lot(s) on the Nassau County land and tax map. The subject premises is located within the Residence District .

1. The petitioner(s) seeks a variance of the Village Code(s) of the Incorporated Village of Woodsburgh, to construct maintain paving, AC units in front yard and behind caretaker house, gas meter on frame and playset in front yard. The units have always been at their respective locations, and/or the subject property is very unique in that it is a large corner property and there is no other viable location for these essential items that require a variance from the code.
2. The subject property has had prior variance requests such as, please see attached denial letter.
3. The subject property was granted previous variances of: Pool w/spa and basketball court
4. The subject property was denied previous variances of: Generator & A/C unit behind caretaker house
5. The petitioner's architect/engineer Gibney Design Landscape Architecture PC POB 371 Wading River NY 11792-0371. North Coast Civil 79 West Main Street Oyster Bay New York 11771 and Carman Dunne, PC, 2 Lakeview Avenue Lynbrook NY 11563.
6. The application to (see denial letter) was made and denied by the Building Inspector for the following: (see denial letter).

Maintain paving, AC units in front yard and behind caretaker house, gas meter on frame and playset in front yard. 150-50.2, 150-39(g)(8), 150-39 (g)(9), 150-39(B), 139-39(E), 7. The requested variance will have no adverse effect upon the surrounding properties, will provide for a reasonable use of the subject premises compatible with the surrounding properties and in conformity with the standards prescribed for granting of such a variance, as set forth in the building zone ordinance of the incorporated village of Woodsburgh.

8. Wherefore, petitioner(s) respectfully request(s) that the board of zoning appeals grant the variance(s) as requested herein along with such other and further relief as may be just and proper.

Dated: (Signature of petitioner) Dated: 4/19/03 (Signature of petitioner) 

*Inc. Village of Woodsburgh
Board of Zoning Appeals*

STATE OF NEW YORK

SS.;

PETITIONER VERIFICATION

COUNTY OF NASSAU

I (WE), Aaron Wexler (AND any other owner of the LLC),
BEING DULY SWORN, DEPOSE(S) AND SAY(S): I (WE) AM (ARE) THE PETITIONER(S)
IN THE WITHIN ACTION; I (WE) HAVE READ THE FOREGOING PETITION AND KNOW
THE CONTENTS THEREOF; THE SAME IS TRUE TO OUR OWN KNOWLEDGE, EXCEPT AS
TO THE MATTERS THEREIN STATED TO BE ALLEGED UPON INFORMATION AND BELIEF
AND AS TO THOSE MATTERS WE BELIEVE IT TO BE TRUE.

PETITIONER'S SIGNATURE

PETITIONER #2 SIGNATURE

SWORN TO BEFORE ME THIS 19th DAY
OF April 2023

SWORN TO BEFORE ME THIS _____ DAY
OF _____ 20_____

NOTARY PUBLIC, NASSAU COUNTY

NOTARY PUBLIC, NASSAU COUNTY

MARCELA ANDREA VALENZUELA ORTIZ
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01VA6439013
Qualified in Nassau County
My Commission Expires August 22, 2026

DISCLOSURE AFFIDAVIT
General Municipal Law §809

BOARD OF ZONING APPEALS
VILLAGE OF WOODSBURGH

In the Matter of the application of
Owner (s) : WFIT 127 LLC

STATE OF NEW YORK:
ss:
COUNTY OF NASSAU :

Aaron Wexler on behalf of WFIT 127 LLC being duly sworn, deposes and

says:

I am the applicant with respect to / owner of the premises which is the subject of *(cross out whichever is not applicable)* the within application.

I make this affidavit for the purposes of complying with the requirements of General Municipal Law §809.

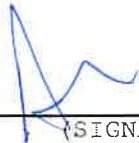
No officer of the State of New York, and no officer or employee of the County of Nassau, the Town of Hempstead or the Village of Woodsburgh and no party officer of any political party, has an interest in the within application within the meaning of General Municipal Law §809, except as stated hereinafter **(if none, state "NONE")**:

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION</u>	<u>NATURE OF INTEREST</u>
NONE			

In the event there is any change in the information set forth herein between the date hereof and the final determination of this application, a supplemental affidavit will be filed to provide that further information.

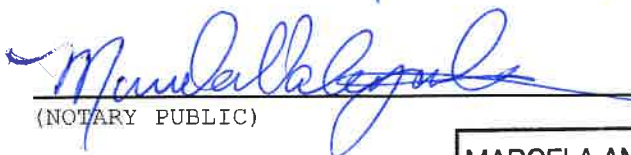
Sworn to before me on

This 19th day of April, 2023



(SIGNATURE)

(SIGNATURE)


(NOTARY PUBLIC)

WBZA – D. AFF 1

<p>MARCELA ANDREA VALENZUELA ORTIZ NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01VA6439013 Qualified in Nassau County My Commission Expires August 22, 2026</p>

Inc. Village of Woodsburgh



ALAN HIRMES, DEPUTY MAYOR
CARL CAYNE, TRUSTEE
SHIRA HOSCHANDER, TRUSTEE
BARRY ROZENBERG, TRUSTEE

MICHELLE BLANDINO, CLERK TREASURER
BRIAN S. STOLAR, VILLAGE ATTORNEY
DENNIS FROMIGIA, BUILDING INSPECTOR

30 PIERMONT AVENUE • HEWLETT, NEW YORK 11557
TELEPHONE (516) 295-1400 • FACSIMILE (516) 295-1406

JACOB HARMAN, MAYOR

March 20, 2023

WFIT 127 LLC
c/o Aaron Wexler
830 Barberrry Lane
Woodsburgh
Woodmere, NY 11598

Re: 830 Barberrry Lane Woodsburgh; Maintain for Basketball Court, AC units, Gas meter and Paving Denial - REVISED

Dear Aaron Wexler:

You submitted an as built plan dated November 15, 2022 for the work consisting of paving, basketball court, AC units, gas meter and playset. You are in non-compliance with the Village Code and the approval from the Zoning Board of Appeals from May 22, 2018.

Board of Zoning Appeals Approval May 22, 2018

1. **§150-50.2 Air Conditioning Units.** The Board denied the air conditioner unit to be maintained at the rear of the caretaker apartment located 5.33 feet from the property line.
 - a. The air conditioner unit has not been moved to a compliant location.
2. **§150-39(G)(8) & §150-39(G)(9) Private Recreational Courts.** The Board granted the variances on the condition that a 6-foot-high chain link fence be placed along the easterly and southerly perimeters of the court and that evergreen screening be planted immediately outside the fencing, at a height of at least 6 feet and maintained and planted so as to prohibit views of the court from the public way and there shall be no lighting for the recreational court.
 - a. The fencing and landscaping are not compliant with the approval. There is no fencing and no evergreen plantings along the required perimeters of the court.

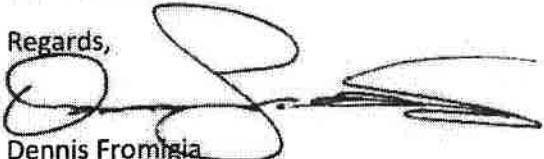
New Issues

1. **§ 150-39B Impervious Coverage.** The maximum permitted impervious site coverage for a lot size of 62,979 square feet, shall be 16,315 square feet.
 - a. The lots impervious coverage is 16,577.8 square feet, an overage of 262.8 square feet.
2. **§150-50.2 Air Conditioning Units.** No air conditioning unit or equipment shall be located in a front yard, or within 15 feet of a property line in the side yard or rear yard of any property.
 - a. There are 5 Air conditioning units located in the front yard.

3. **§ 150-39E Accessories.** *Shall be located not closer than 1/3 of the side yard and rear yard dimensions applicable in the district in which the lot is located. Accessory buildings and structures are not permitted in a front yard.*
- a. *The gas meter with frame is located in the front yard 6.5 feet from the northern property line.*
 - b. *The playset is located in a front yard.*
 - i. *(August 27, 2018- On motion by Mayor Israel and seconded by Trustee Cayne and unanimously carried, the Board voted to waive the variance filing fee for the zoning board of appeals application submitted by Mr. Wexler for a play gym in a front yard, if such application is filed no later than December 31, 2018.) Variance was never sought.*

If you wish to pursue this project, you may make application to the Zoning Board for a variance. That application must be made within 60 days of the date of this determination and must include one original, and 7 copies of the application, related documents, plans, one PDF via email (buildingdepartment@woodsburghny.com) or on a thumb drive and a maintain filing fee of \$4,000.

Regards,


Dennis Fromigia
Building Inspector

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 830 BARBERRY LANE WOODSBURGH			
Brief Description of Proposed Action: MAINTAIN IMPERVIOUS COVERAGE, MAINTAIN 5 AC UNITS, GAS METER ON A FRAME, AND PLAYSET IN THE FRONT YARD, MAINTAIN BASKETBALL COURT WITH NO FENCING OR EVERGREENS ALONG THE FENCING WERE THE BOARD REQUIRED THEM, MAINTAIN AN AC UNIT BEHIND THE CARETAKERS HOUSE WHERE THE BOARD PREVIOUSLY DENIED THE LOCATION.			
Name of Applicant or Sponsor: AARON WEXLER ON BEHALF OF WFIT 127 LLC		Telephone:	
		E-Mail:	
Address: 830 BARBERRY LANE			
City/PO: WOODMERE		State: NY	Zip Code: 11598
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.4457989 acres	
b. Total acreage to be physically disturbed?		0.1349174 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.4457989 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES DRY WELLS _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>WFIT 127 LLC, by Amy Wain</u></p>		<p>Date: <u>4/16/23</u></p>
<p>Signature: <u></u></p>		



Inc. Village of Woodsburgh
Authorization to Zoning Board

Property Address: 830 Bakery Lane

Owner(s): WFIT 127 LLC

"I hereby authorize the members of the Board of Zoning Appeals, the Building Inspector of the Village, and legal counsel to the Board of Zoning Appeals to enter upon and inspect my property prior to the Board of Appeals rendering a determination with regard to this application."

WFIT 127 LLC

Signature (Owner)

4/16/23

Date

Signature (Representative)

Date

Signature (Owner #2)

Date

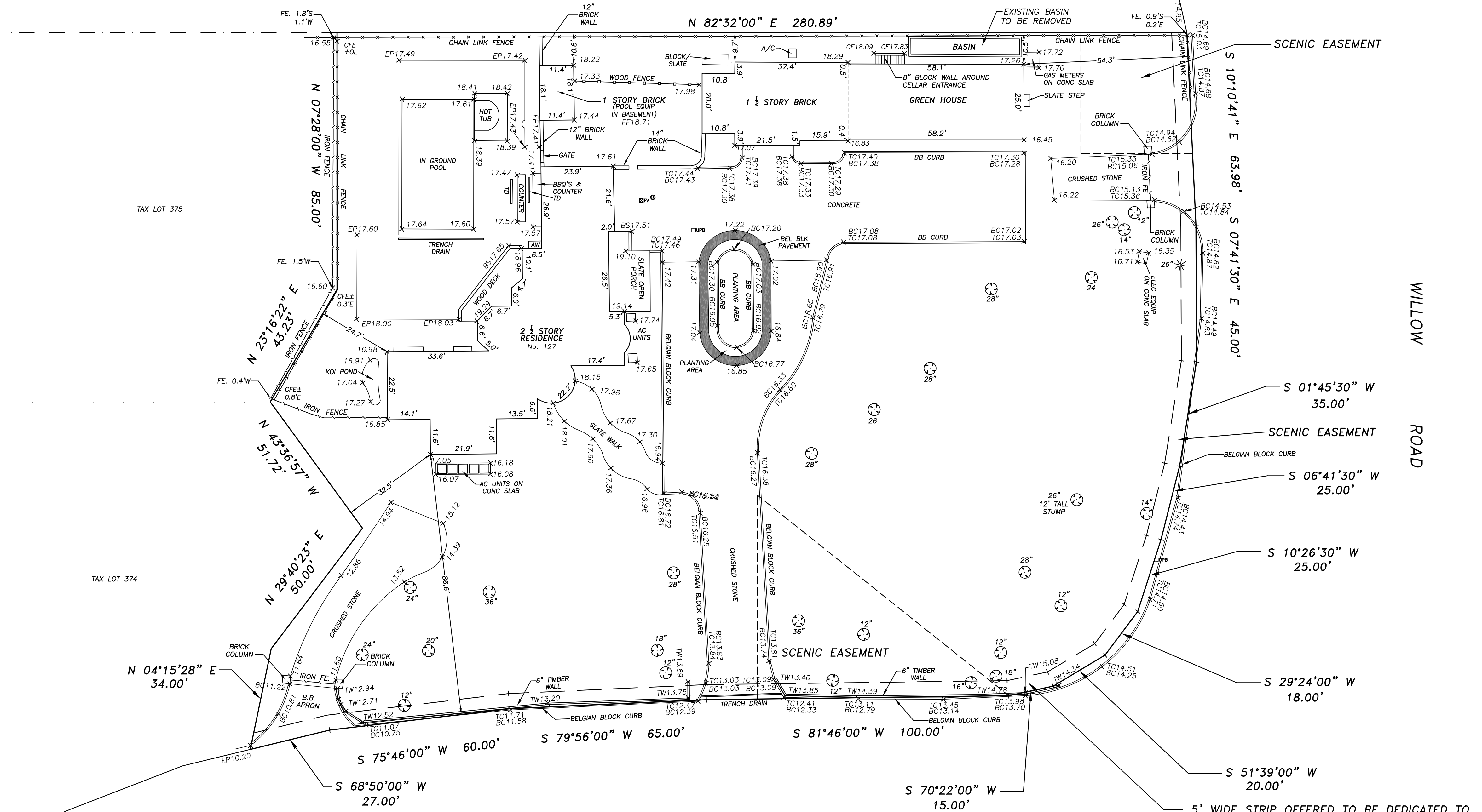


TAX LOT 276

TAX LOT 373

TAX LOT 375

TAX LOT 374



BARBERRY LANE

SCENIC EASEMENT

WILLOW ROAD

- NOTE:
- ELEVATIONS SHOWN REFER TO THE NAVD88 DATUM
 - SUBJECT PROPERTY LOCATED IN ZONE X (UNSHADED) AS SHOWN ON FEMA FLOOD MAP NO. 36059C0302G LAST DATED SEPT. 11, 2009
 - SUBJECT PROPERTY SHOWN AS PARCELS C & D ON THE RON LEY SUBDIVISION
 - PARCEL AREA= 62,979 S.F. OR 1.4458± ACRES
 - AW DENOTES AREA WAY
 - TD DENOTES TRENCH DRAIN

Date	Revisions
6/10/2020	UPDATE
6/5/2017	SET CORNERS & LOCATE TREES AS REQUESTED
4/5/2017	CHANGE DRAWING TITLE & ADD CERTIFICATIONS



TITLE & PARTIAL TOPOGRAPHIC SURVEY OF PROPERTY IN WOODSBURGH NASSAU COUNTY, NEW YORK SECTION 41, BLOCK 88, LOT 376

CARMAN-DUNNE, P.C.
CONSULTING ENGINEERS & SURVEYORS
2 Lakeview Avenue, Lynbrook, New York 11563
TEL. (516) 599-5563 FAX (516) 593-4873

Date: FEB. 24, 2017 File: K:\Projects\2017013\2017013_SURVEY.dwg
Palette: LegacyCDunne

John J. Toscano P.L.S. 049872

ZONING	REQUIRED	EXISTING
AREA	20,000 Sq.Ft.	62,979 Sq.Ft.
Minimum Front Yard	50'	86.6'
Minimum Rear Yard	25'	9.7'
Minimum Side Yard	20'	24.7'
Max. Impervious Coverage	25.9% Or 16,315 SF	26.3% Or 16,577.8 SF
Max. Building Coverage	9,447 SF	7,176.7 SF
Min. Street Frontage	100'	500'
Minimum Floor Area	2,400 SF	3,567 SF

ZONED: Residence District A

Building Coverage

Percent Coverage Calculation

Net Lot Area: 62,979.0 Sq.Ft. 1.44 Acres

Existing Area:

Existing Main Dwelling	=	3,567.0 Sq Ft.
Existing Front Stoop	=	276.0 Sq Ft.
Existing Apartment	=	1,220.0 Sq Ft.
Existing Greenhouse	=	1,456.0 Sq Ft.
Existing Pool House	=	220.0 Sq Ft.
Existing Piers	=	25.0 Sq Ft.
Existing Gas Meter	=	20.3 Sq Ft.
Existing Wood Deck	=	228.5 Sq Ft.
Existing AC Units Pad	=	84.9 Sq Ft.
Existing Landings	=	31.2 Sq Ft.
Existing Steps	=	36.6 Sq Ft.
Existing Electric Slab	=	11.2 Sq Ft.

Total Coverage: 7,176.7 Sq.Ft.

Percent Coverage = $\frac{\text{Total Coverage}}{\text{Lot Area}} \times 100\% = \text{Percent Coverage}$

Percent Coverage = $\frac{7,176.7 \text{ Sq.Ft.}}{62,979.0 \text{ Sq.Ft.}} \times 100\% = \text{Percent Coverage}$

Percent Coverage = 11.39%

Impervious Surface Coverage

Percent Coverage Calculation

Net Lot Area: 62,979.0 Sq.Ft. 1.44 Acres

Existing Area:

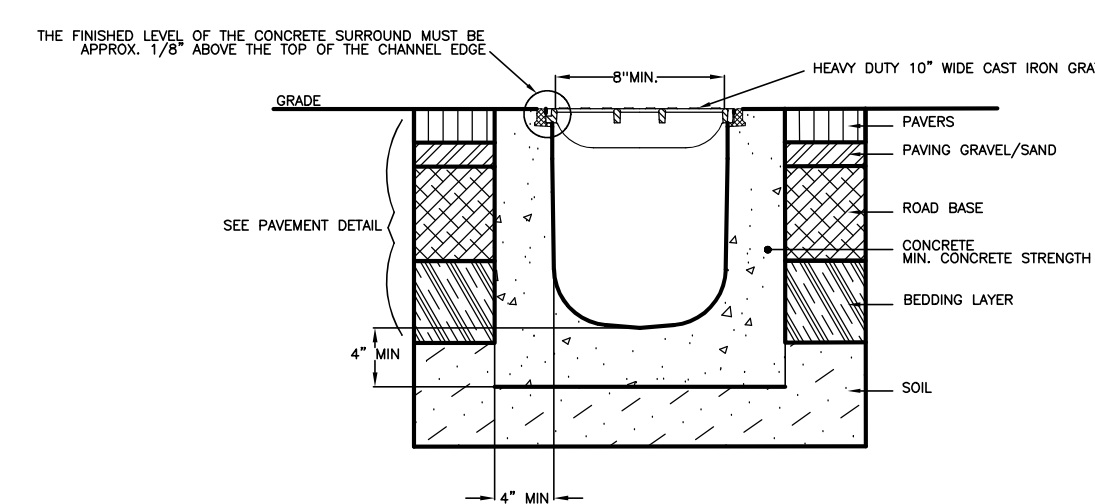
Existing Main Dwelling	=	3,567.0 Sq Ft.
Existing Front Stoop	=	276.0 Sq Ft.
Existing Walk	=	397.0 Sq Ft.
Existing Sports Court	=	3,484.6 Sq Ft.
Existing Belgian Block	=	321.8 Sq Ft.
Existing Apartment	=	1,220.0 Sq Ft.
Existing Greenhouse	=	1,456.0 Sq Ft.
Existing Pool House	=	220.0 Sq Ft.
Existing Barbary Entry	=	305.5 Sq Ft.
Existing AC Pad	=	67.3 Sq Ft.
Existing AC Units	=	17.6 Sq Ft.
Existing Stepping Pads	=	575.4 Sq Ft.
Existing Piers	=	25.0 Sq Ft.
Existing Koi Pond	=	61.8 Sq Ft.
Existing Block Curb	=	73.3 Sq Ft.
Existing Gas Meter	=	20.8 Sq Ft.
Existing Walls	=	284.5 sq Ft.
Existing Electric Slab	=	11.2 Sq Ft.
Existing BB Pavement	=	238.5 Sq Ft.
Existing Steps	=	36.6 Sq Ft.
Existing Landings	=	31.2 Sq Ft.
Existing Wood Deck	=	228.5 Sq Ft.
Existing Driveway Apron	=	234.0 Sq Ft.
Existing Generator Pad	=	40.0 Sq Ft.
Existing Patio & Pool	=	3,294.2 Sq Ft.

Total Coverage: 16,577.8 Sq.Ft.

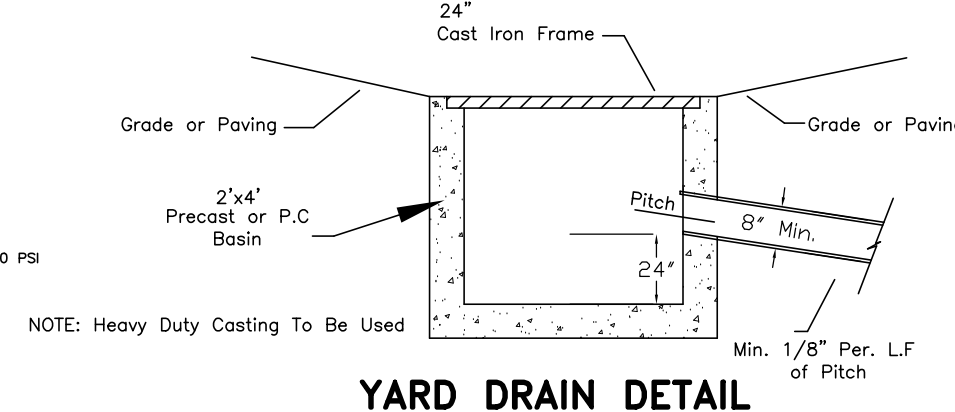
Percent Coverage = $\frac{\text{Total Coverage}}{\text{Lot Area}} \times 100\% = \text{Percent Coverage}$

Percent Coverage = $\frac{16,577.8 \text{ Sq.Ft.}}{62,979.0 \text{ Sq.Ft.}} \times 100\% = \text{Percent Coverage}$

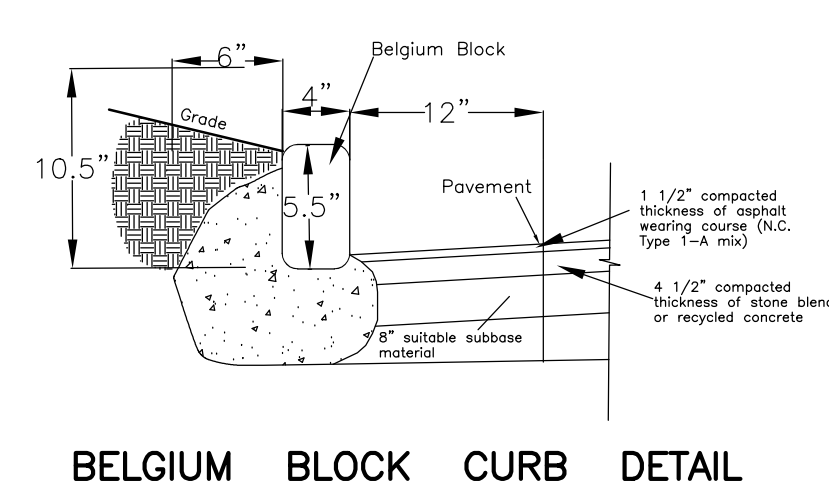
Percent Coverage = 26.3% > 25.9% M.C.



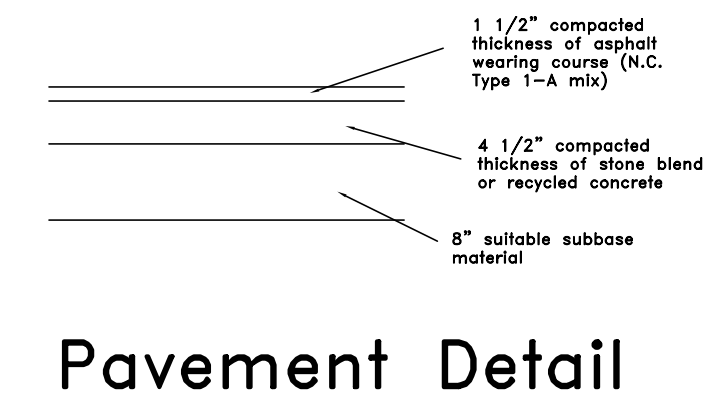
STRIP DRAIN DETAIL



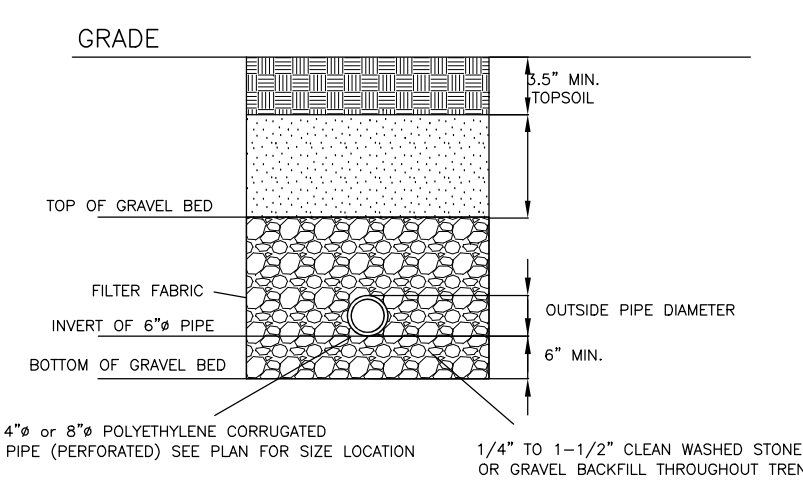
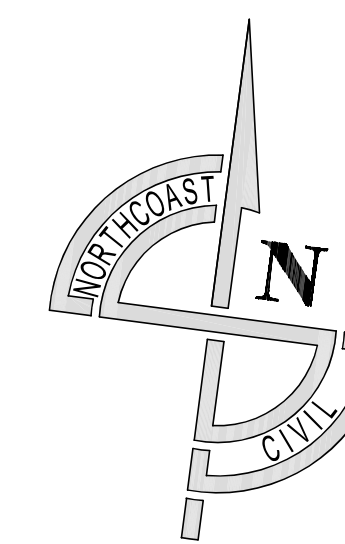
YARD DRAIN DETAIL



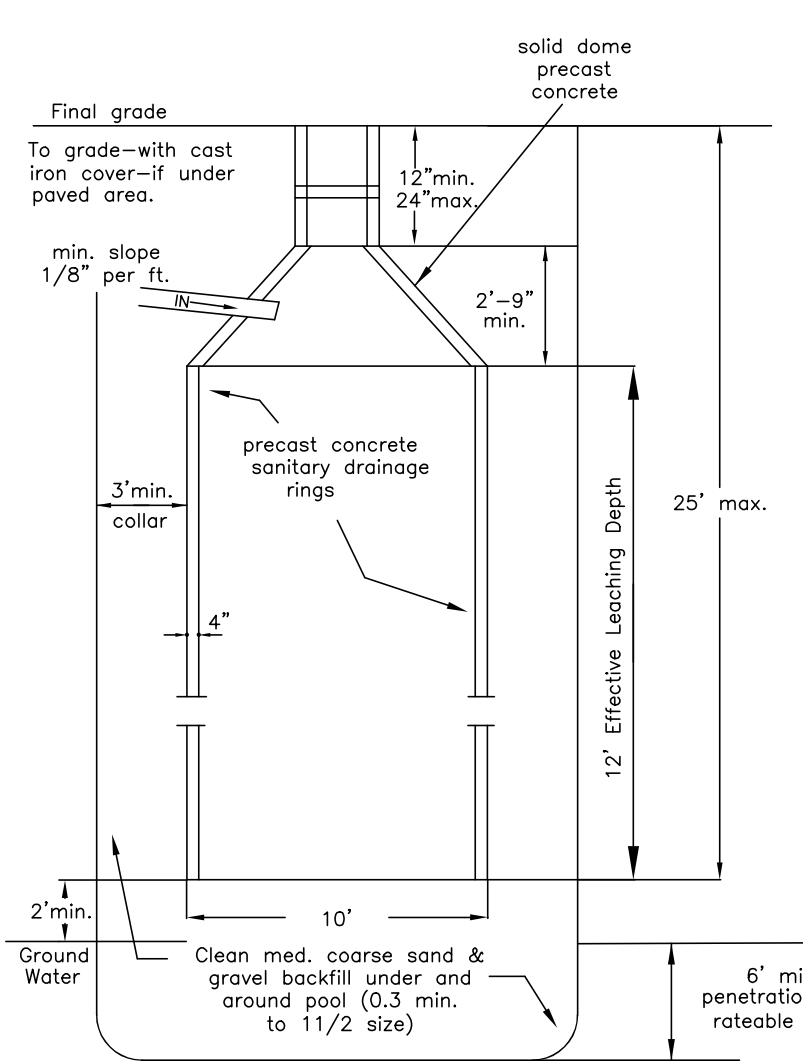
BELGIUM BLOCK CURB DETAIL



Pavement Detail



PIPE TRENCH DETAIL PERFORATED CPP (NOT TO SCALE)



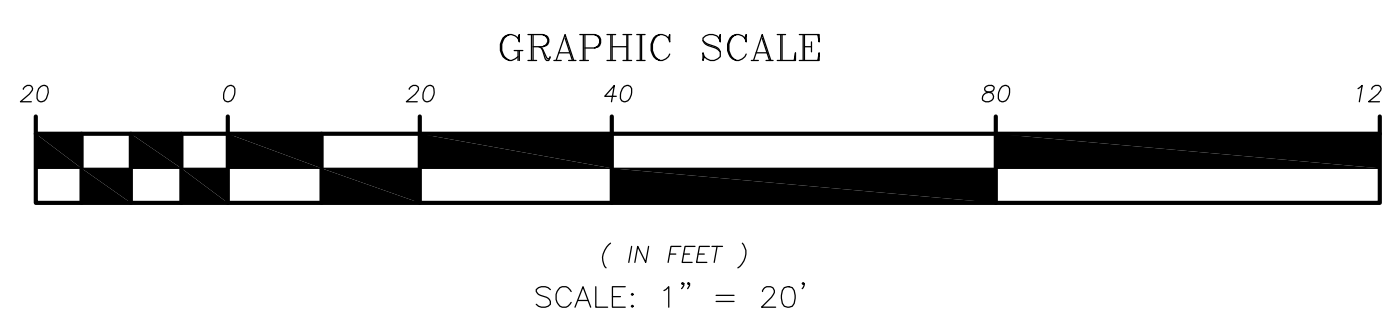
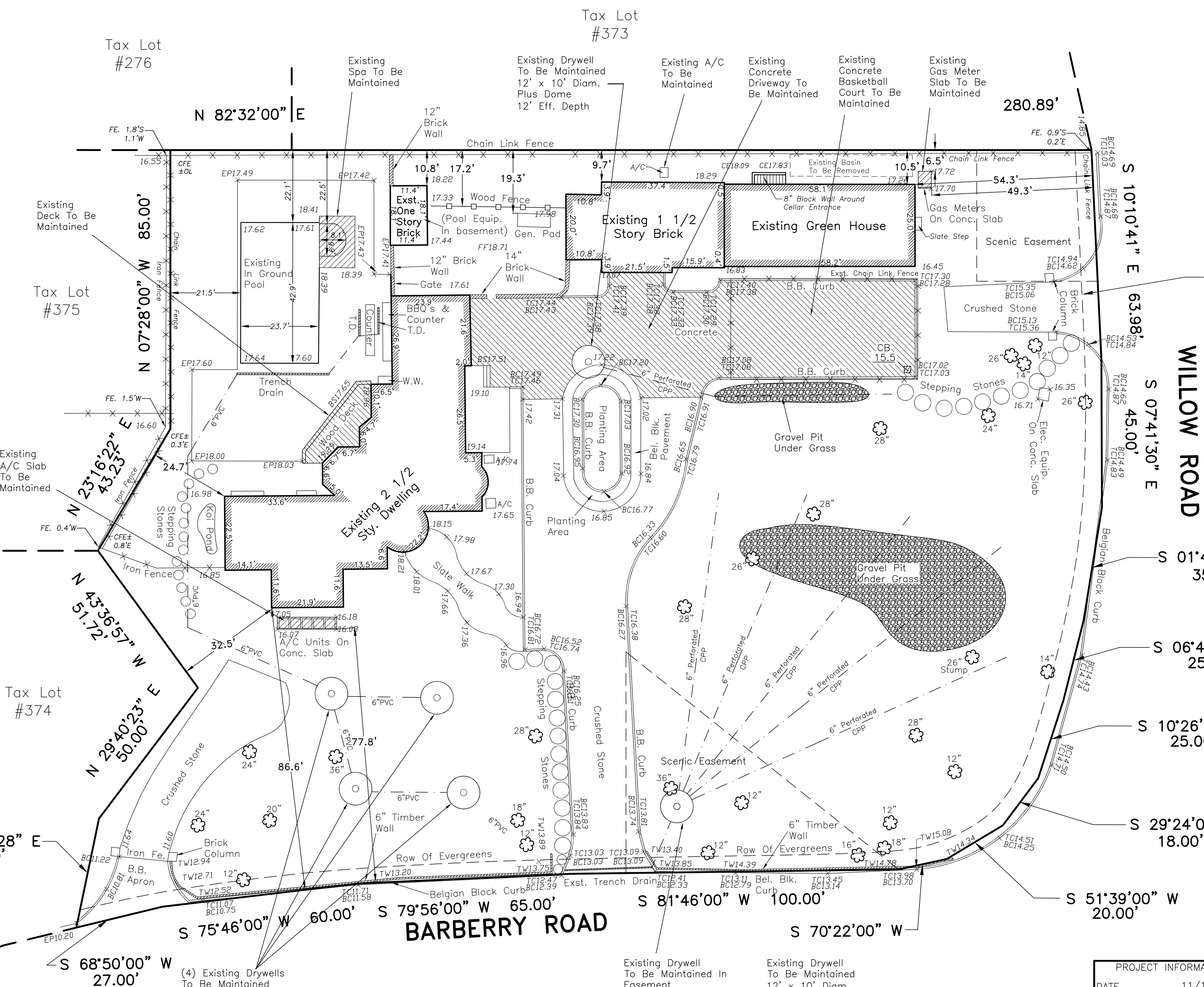
DRYWELL DETAIL

Total Pervious Area = 6,104.2 s.f.
 Runoff = 6,104.2 s.f. x 3"/12 x 0.3 = 457.8 cu.f.
 457.8 cu.f. / 68.5 cu.f. per ft. of ring = 6.7 ft. req'd.

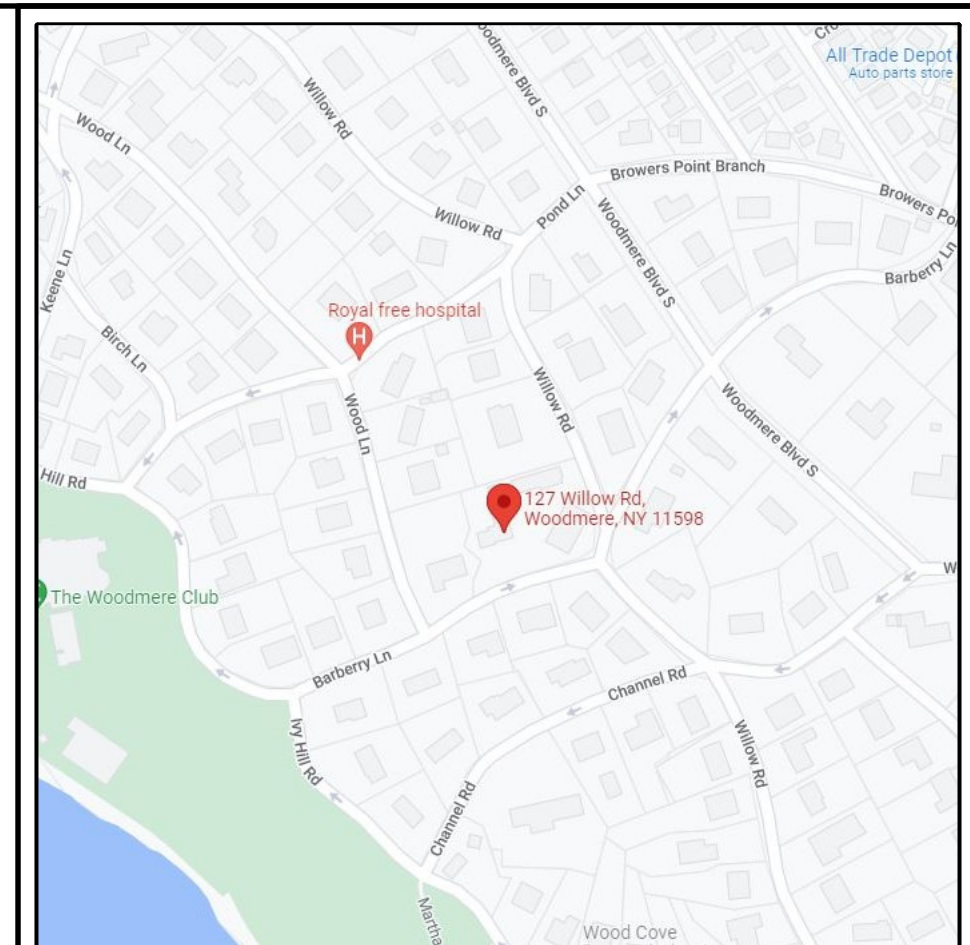
Total Impervious Area = 16,577.8 s.f.
 Runoff = 16,577.8 s.f. x 3"/12 = 4144.5 cu.f.
 4144.5 cu.f. / 68.5 cu.f. per ft. of ring = 60.5 ft. req'd.

Total Use 68 ft. of 10 ft. Dia. Rings
 Total Provided 72 ft. of 10 ft. Dia. Rings

NOTE: EXISTING CONDITIONS TAKEN FROM PLAN PREPARED BY GIBNEY DESIGN LA. PC. LAST DATED AUGUST 30, 2022.



(IN FEET)
 SCALE: 1" = 20'



ATLAS LOCATION

5' WIDE STRIP OFFERED TO BE DEDICATED TO THE INC. VILLAGE OF WOODSBURGH FOR FUTURE ROAD WIDENING ONLY IF ROAD IS WIDENED THE ENTIRE LENGTH OF WILLOW ROAD BETWEEN BARBERRY LANE AND POND LANE PER THE RON LEY SUBDIVISION MAP

WILLOW ROAD

S 10°10'41" E 63.98'
 S 07°41'30" E 45.00'
 S 01°45'30" W 35.00'
 S 06°41'30" W 25.00'
 S 10°26'30" W 25.00'
 S 29°24'00" W 18.00'

Wexler Residence
 830 Barbary Ln
 Woodsburgh, 11598

PROJECT INFORMATION		PROJECT	
DATE	11/15/2022	AS-BUILT DRAINAGE PLAN OF PROPERTY	
DRAWN BY:	CM	SITUATED: INC. VILLAGE OF WOODSBURGH	
CHECKED BY:	MJR	SEC. 41 - BLK. 68 - LOT 376	
SCALE:	1"=20'	SEAL	
AREA:	1.44 ACRES	Northcoast Civil LAND SURVEYING & CIVIL ENGINEERING	
DATUM:	NAVD'88	39 WEST MAIN STREET OYSTER BAY, NY 11771	
		P:(516)922-3031 F:(516)922-7475	

REVISED 2/14/2023

PREVIOUS VARIANCE MINUTES FROM 2018

MINUTES
BOARD OF APPEALS
VILLAGE OF WOODSBURGH
Village Hall
30 Piermont Avenue
Hewlett, New York

May 22, 2018

Present: Steven Rabinoff, Chair
Fred Schornstein, Michael Krasne and David Lasky,
Members
Deputy Village Clerk: Dana Garraputa
Village Attorney: Brian S. Stolar, Esq.

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

The Board opened the continued public hearing on the application of Eli and Riva Goldschmiedt, 850 Lawn Place, Woodsburgh, New York, to construct first and second story additions, convert an existing garage into living space, and construct a new attached garage, which construction requires variances of the following Village Code sections: (a) Village Code §150-38.3, in that the floor area will be 6,115 square feet, where the maximum floor area is 3,987 square feet; and (b) Village Code §150-39 in that the above-grade lot coverage will be 22.6%, where a maximum of 20% is permitted. Premises are also known as Section 41, Block 39, Lot 6 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. Monte Lepper, architect, appeared for the applicant.

The applicant explained that the plans included the basement and cellar area in the floor area calculation, and that the Village Code excludes those portions of the dwelling from the floor area calculation. Upon eliminating the basement and cellar floor area from the Village Code floor area calculation, the total proposed floor area is

reduced to 5,044.6 square feet. The applicant provided revised plans dated May 18, 2018, depicting revised calculations.

The Board closed the hearing, and reserved decision.

On a motion duly made by Mr. Lasky, seconded by Mr. Krasne, and adopted unanimously, the Board declared itself to be the lead agency under the New York State Environmental Quality Review Act ("SEQRA") and determined that the relief requested is a Type II matter under SEQRA which requires no environmental review.

The Board discussed the Goldschmiedt application. On motion duly made by Mr. Lasky, seconded by Mr. Krasne, and adopted unanimously, the Board granted the requested variance, as modified (5,044.6 square feet) in short form format as authorized by Village Code §150-56.1, on the following conditions: (a) no later than six (6) months after the filing of this decision with the Village Clerk, the property owners shall obtain all required licenses and permits; (b) no later than one (1) year from the issuance of the building permit, the property owners shall obtain all required certificates of occupancy and/or completion for the improvements proposed on the plans submitted to this Board, to the extent approved herein; and (c) all approved and authorized work shall conform to the revised plans dated May 18, 2018.

The Board opened the public hearing on the application of WFIT 127 LLC, 127 Willow Road, Woodsburgh, New York, to construct a swimming pool, swimming pool fence, swimming pool equipment, recreational court and piers, and maintain an air conditioner unit, generator and caretaker apartment, which construction and maintenance requires variances of the following Village Code sections: (a) Village Code §150-47(H), in that (i) the swimming pool is located approximately 21 feet from a property line and 20.42 feet from another property line, (ii) the swimming pool fence is

approximately 6 feet from a property line, and (iii) the pool equipment is approximately 10.58 feet from a property line, where a pool, pool fence and pool equipment on a corner lot must be at least 25 feet from a property line; (b) Village Code §150-47(D), in that the swimming pool fence is not properly screened with shrubs or plants located outside the fence; (c) Village Code §150-50.2, in that (i) the air conditioner unit is located 5.33 feet from a property line and (ii) the generator is located 5.75 feet from a property line, where no air conditioner unit or similar equipment is permitted within 15 feet of a property line; (d) Village Code §150-6, in that the caretaker apartment is neither a permitted principal nor accessory use; (e) Village Code §150-39(E), in that the piers are located in a front yard, where no such accessory building or structure is permitted; (f) Village Code §150-39(G)(7), in that the recreational court is located in a front yard, where no such court is permitted; (g) Village Code §150-39(G)(8) in that the court is not completely enclosed with a chain link fence; and (h) Village Code §150-39(G)(9), in that the fence and court are not completely screened by a living screen of coniferous trees, at least 4 feet in height when planted and planted 5 feet on center. In addition, the swimming pool requires a special permit pursuant to Village Code §150-47(B), and the recreational court requires a special permit pursuant to Village Code §150-39(G). Premises are also known as Section 41, Block 68, Lot 376 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. John Armentano, Esq., presented the application on behalf of the applicant.


The Board closed the hearing, and reserved decision.

The Board discussed the WFIT application. On motion duly made by the Chair, seconded by Mr. Lasky, and adopted unanimously, the Board determined that it is the

lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and adopted the short form format decision annexed hereto, in accordance with the short form format as authorized by Village Code §150-56.1.

There being no further business, the meeting was adjourned at 8:22 p.m.

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

TIME: 10¹⁶ A.M./P.M. ON
DATE: 6/11, 2018
(Month) (Day)
PERSON FILING: 
STEVE RABINOFF, CHAIRMAN

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

At a meeting of the Board of Appeals of the Village of Woodsburgh, New York, on May 22, 2018, on motion duly made by the Chair, seconded by Mr. Lasky, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. WFIT 127 LLC, 127 Willow Road, Woodsburgh, New York, applied to construct a swimming pool, swimming pool fence, swimming pool equipment, recreational court and piers, and maintain an air conditioner unit, generator and caretaker apartment, which construction and maintenance requires variances of the following Village Code sections: (a) Village Code §150-47(H), in that (i) the swimming pool is located approximately 21 feet from a property line and 20.42 feet from another property line, (ii) the swimming pool fence is approximately 6 feet from a property line, and (iii) the pool equipment is approximately 10.58 feet from a property line, where a pool, pool fence and pool equipment on a corner lot must be at least 25 feet from a property line; (b) Village Code §150-47(D), in that the swimming pool fence is not properly screened with shrubs or plants located outside the fence; (c) Village Code §150-50.2, in that (i) the air conditioner unit is located 5.33 feet from a property line and (ii) the generator is located 5.75 feet from a property line, where no air conditioner unit or similar equipment is permitted within 15 feet of a property line; (d) Village Code §150-6, in that the caretaker apartment is neither a permitted principal nor accessory use; (e) Village Code §150-39(E), in that the piers are located in a front yard, where no such accessory building or structure is permitted; (f) Village Code §150-39(G)(7), in that the recreational court is located in a front yard, where no such court is permitted; (g) Village Code §150-39(G)(8) in that the court is not completely enclosed with a chain link fence; and (h) Village Code §150-39(G)(9), in that the fence and court are not completely screened by a living screen of coniferous trees, at least 4 feet in height when planted and planted 5 feet on center. In addition, the swimming pool requires a special permit pursuant to Village Code §150-47(B), and the recreational court requires a special permit pursuant to Village Code §150-39(G). Premises are also known as Section 41, Block 68, Lot 376 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the premises.
3. In April 1990, a predecessor owner of the premises, who owned a larger parcel, obtained approval of the Board of Trustees to subdivide the larger parcel into four lots, then identified as Lost A, B, C and D. Thereafter, lots A and B were apportioned separately and sold to new owners. Lots C and D were never apportioned, and applicant owns both lot, which are the subject of this application.

4. Applicant now proposes to merge lots C and D so that they constitute a single parcel. Applicant has agreed to condition any approvals granted by the Board herein on obtaining approval for the merger of lots C and D into one parcel.
5. As a result of the proposed merger, all zoning calculations, including lot coverage and setback calculations, have been applied based on the entirety of the proposed merged lots.
6. In addition to the subdivision approval, the applicant's predecessor obtained variances from the Board in August 1990 permitting the greenhouse building to remain in its present location.
7. As conditions to the 1990 approvals, a Declaration of Covenants and Restrictions and Grant of Easement were recorded with the Nassau County Clerk providing for scenic easements, limitations on the use of the greenhouse structures as a greenhouse only, and site plan approval (from the Planning Board) for all site improvements. These site requirements, restrictions and conditions run with the land, and will continue to so run as a condition of the Board's decision herein.
8. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
9. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
10. The relief is determined as follows:
 - (a) As to the proposed use of the portion of the greenhouse building adjoining the greenhouse, the Board grants the variance on the condition that the portion of the building is to be used solely by a family member of the owner of the property (the owner being deemed the managing member of a limited liability company or the president of any corporate owner of the property) or a caretaker of the premises who is obligated to maintain the entirety of the premises, including grounds and the principal dwelling;
 - (b) As to the pillars/piers in the front yard, the Board grants the variance on the condition that the pillars/piers be the same size and height as the piers existing on the easterly portion of the premises;
 - (c) As to the recreational court, the Board grants the variances on the condition that a 6 foot high chain link fence be placed along the easterly and southerly perimeters of the court and that evergreen screening be planted immediately outside the fencing, at a height of at least 6 feet and maintained and planted so as to prohibit views of the court from the public way and there shall be no lighting for the recreational court;
 - (d) As to the variances for the pool, pool equipment and pool fencing, the

Board grants the variances, on the condition that the proposed spa be located no closer to the northerly property line than the proposed northerly edge of the pool; and

(e) As to the air conditioning unit and the generator, the Board denies the variances.

11. As a further condition of the variances granted herein, (a) the variances shall become effective upon the approval by the Planning Board of the merger of lots C and D and site plan approval for the improvements; (b) the Declaration of Covenants and Restrictions and the scenic easement shall continue to apply to the merged lot; (c) applicant shall comply with the conditions of the Planning Board, (d) applicant shall comply with all requirements of the Village Code and the Building Department, (e) no later than six (6) months after the filing of the Planning Board decision with the Village Clerk, the property owner shall obtain all required licenses and permits; (f) no later than one (1) year from the issuance of the building permit, the property owner shall obtain all required certificates of occupancy and/or completion for the improvements proposed on the plans submitted to this Board, to the extent approved herein; and (g) all approved and authorized work shall conform to the plans submitted with this application.