Incorporated Village of Woodsburgh - Board of Zoning Appeals Petition

In the matter of the application of owner name(s) as per the Deed: Shmuel B. Weiss & Raizel Weiss

For a variance of section(s): 150-50.C.Fences, 150-50.B & 150-47.H Swimming Pools of the Village Code of the Incorporated Village of Woodsburgh

**To:** The Board of Zoning Appeals Incorporated Village of Woodsburgh The petition of Berry Weiss, respectfully alleges as follows:

The petitioner(s) owns the property which is the subject of this application located at 847 lvy Hill Road. The premises is also designated as Section 41, Block 112, Lot(s) 70 on the Nassau County land and tax map. The subject premises is located within the Residence District "A".

**1.** The petitioner(s) seeks a variance of the Village Code(s) of the Incorporated Village of Woodsburgh, to maintain a 5 foot fence on the property line, also maintain inground pool holding a 23.5 foot setback

**2.** The subject property has had prior variance requests such as Zoning Board decision dated June 25th, 2020,

**3.** The subject property was granted previous variances of: lot coverage, permit accessory structures in front yard.

4. The subject property was denied previous variances of n/a

**5.** The petitioner's surveyor, Vincent Teuronico, located at 3280 Sunrise Hwy., Wantagh, NY 11793, has prepared a final survey showing the structures in question.

6. The application to maintain the fence and pool was made and denied by the Building Inspector for the following:

- 1- 150-50.C.Fences:No fence shall be located within 5 feet from the property line
- 2- 150-50.B.Fences:No fence installed shall be higher than 4 feet
- 3- 150-47.H.Swimming Pools: No pool shall be located closer than 25 feet to the property lines on a corner lot



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: 12023

(Signature of petitioner)

2/01/2023 Dated:

(Signature of petitioner #2)

Inc. Village of Woodsburgh **Board of Zoning Appeals** 1, DIANA LASPISA (Architect or Attorney - Print Name) agent , appear on behalf of Berry Weiss (Owner(s) of Property) \_, owner(s) of 847 Muttill Rd , to seek (Address of Property) a variance from the Woodsburgh Board of Zoning Appeals. Date: 15t DAY OF February, 2023 (Signature of rehitect/Attorney) 2938 Hempstead toke Ste 212 Levittown NY 11756 (Address) 631-1098-5602 Deditional 1ahou.com Moranoex (Telephone Number) (Email) AISS 1023 02 Owner #1 Name (Print) Owner #1 (Signature) 02 Owner #2 (Signature) Date



STATE OF NEW YORK SS.; PETITIONER VERIFICATION COUNTY OF NASSAU

I (WE), Berry Weiss (AND ROizy Weiss), 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.

IONER'S SIGNATURE

TIONER #2 SIGNATURE

SWORN TO BEFORE ME THIS	1.St day
OF Feb	2023
NOTARY PUBLIC, NASSAU COUNT	Kings
Joy Azar PUBLIC. STATE OF N PUBLIC. STATE OF N PUBLIC. STATE OF N PUBLIC STATE In Kings Count Public States August 30	213 V ex

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NOTARY PUBLIC, NASSAU CO	UNTY
Joy Az NOTARY PUBLIC, STAT Registration No. 0 Qualified in Kin Commission Expires A	TE OF NEW YORK 1AZ6421213 as County

# Inc. Village of Woodsburgh

JACOB HARMAN, DEPUTY MAYOR CARL CAYNE, TRUSTEE ALAN HIRMES, TRUSTEE SHIRA HOSCHANDER, 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

LEE A. ISRAEL, MAYOR

March 9, 2023

Mr. & Mrs. Shmuel Berry Weiss 847 Ivy Hill Road Woodmere, NY 11598

> Re: Pool, Pavilion & Fencing – Denial Letter REVISED Section 41 Block 112 Lot 7

Dear Mr. & Mrs. Weiss:

A letter was sent back on July 7, 2022, notifying you that your permits for the pool, pavilion and fencing are not compliant. Your permits are also expired, and fees are due (see enclosed notices). In review of your final survey for the swimming pool, fencing and pavilion project, it has been noted that there are items which are not in compliance with the Zoning Board decision and Zoning Code. Based on the non-conformance with the following sections in the Zoning Code of the Inc. Village of Woodsburgh and the Zoning Board decision from June 25, 2020.

1. §150-50.B. Fences: No fence installed shall be higher than 4 feet.

a. The fence was installed at 5 feet.

- 2. §150-47.H Swimming Pools: No pool shall be located closer than 25 feet to the property lines on a corner lot.
  - a. <u>The pool was installed at 23.5 feet from the property line at Hickory Road.</u>
  - b. <u>The fence was approved by the board to be 5 feet from the Hickory Road property line and the fence will be on the property line.</u>

You must 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 (<u>Dana@woodsburghny.com</u>) or on a thumb drive and a filing fee of \$2,000.

Regards, Dennis Fromigia **Building Inspector** 

CC: Michael Rant Engineer (Email: <u>info@northcoastcivil.com</u>) 39 West Main Street Oyster Bay, NY 11771

## Short Environmental Assessment Form Part 1 - Project Information

#### Instructions for Completing

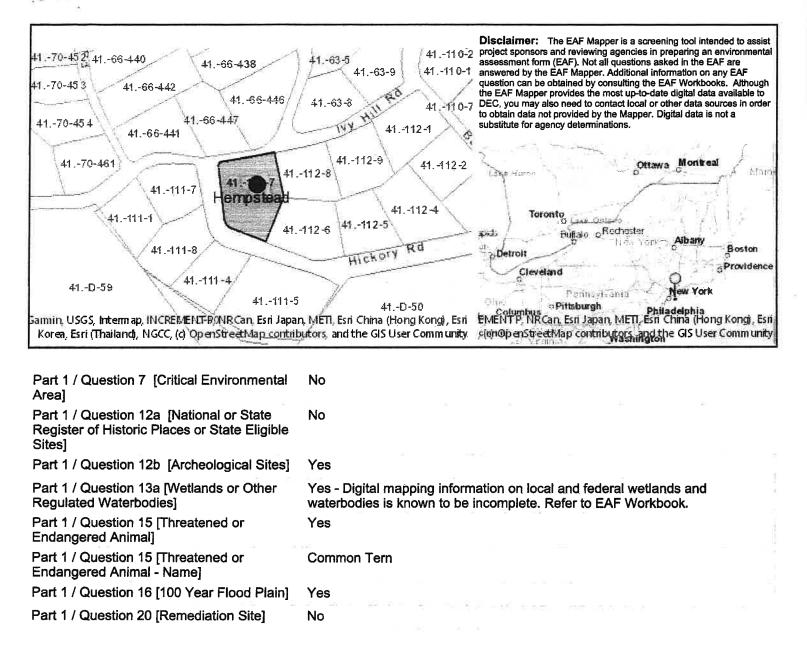
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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	
Berry Weiss	
Name of Action or Project:	
Weiss Residence?	
Project Location (describe, and attach a location map):	
847 WITHIL RE. Wordshowin	
Brief Description of Proposed Action:	
Maintain inground pool +fence	
Name of Applicant or Sponsor:	
L'alonhana.	201-3700
Berry weiss E-Mail: Parry @	-
Address:	thoughour prograt; con
BUT IN Hill pond	
City/PO: State:	Zip Code:
a labodetocouch int	11598
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?	NO YES
If Yes, attach a narrative description of the intent of the proposed action and the annionenet 1	
informed and the manicipality and proceed to Part 2. If no, continue to question 2.	
2. Does the proposed action require a permit, approval or funding from any other government A capacity	NO YES
If Yes, list agency(s) name and permit or approval:	
3. a. Total acreage of the site of the proposed action?	
b. Total acreage to be physically disturbed?	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	9
acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:	
5. Urban Rural (non-agriculture) Industrial Commercial D Residential (sub	ourban)
Forest Agriculture Aquatic Other(Specify):	
Parkland	

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			Y
b. Consistent with the adopted comprehensive plan?			Y
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
o. Is the proposed action consistent with the predominant character of the existing built of hatural landscape?			Q
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify:		~	
		NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		Ø	
b. Are public transportation services available at or near the site of the proposed action?		TYP	F
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		Y	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
nia			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:NH			_
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	t	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the	1		
State Register of Historic Places?			
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
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?		NO	YES
		$\Box$	2
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		Ŋ	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	[		
			ж. <sup>1</sup>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
Wetland 🔲 Urban Weburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?		2
16. Is the project site located in the 100-year flood plan?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	$\square$	
a. Will storm water discharges flow to adjacent properties?	$\square$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	$\square$	
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste legoon, dam)?		
If Yes, explain the purpose and size of the impoundment:		
	ГЧ	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	VEG
management facility?	NO	YES
If Yes, describe:		<u> </u>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	
MY KNOWLEDGE	91 OL	
Applicant/sponsor/name: BAIRY (DAISS) Date: 7 01/2	2	-
Applicant/sponsor/name: Design Date: 2 01 2	202	Ő_
Signature:		
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#### DISCLOSURE AFFIDAVIT General Municipal Law §809

BOARD OF ZONING APPEALS VILLAGE OF WOODSBURGH

In the Matter of the application of Owner(s): Beny Uliss

STATE OF NEW YORK: ss: COUNTY OF NASSAU :

Berry Weiss 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"):

NAME ADDRESS POSITION NATURE OF INTEREST

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 1st day of Feb ~ 203<sup>3</sup> (SIGNATURE) Joy Azar OTARY PUBLIC, STATE OF NEW YORK Registration No. 01AZ6421213 (NOTARY Qualified in Kings County Commission Expires August 30, 20\_

WBZA – D. AFF 1

-- Bargain and Sale Deed, with Covers, et against Grantor's Acts -- Individual or Corporation (Single Sheet)

CONSULTYOUR LAWYER BEFORE SIGNING THIS INSTRUJE I NT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 25th day of September, in the year 2019

BETWEEN Mikhail Ruvinsky and Emily Ruvinsky, both with an address at 847 by Hill Road, Woodsburgh, NY 11598

party of the first part, and Shmuel B. Weiss & Raizel Weiss, as husband and wife, both with an address at 5908 21st Avenue, Brooklyn, NY 11204

party of the second part.

WITNESSETH, that the party of the first part, in consideration of

TEN (\$10.00) dollars

paid by the party of the second part, doe, nereby grant and release into the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of and, with the buildings and improvements thereon crected, situate, lying and being in the

SEE SCHEDULE A - ATTACHED HER FO AND MADE A PART HEREOF.

PREMISES: 847 Ivy Hill Road, Woodsburgh, NY 11598 Section: 41 Block: 112 Lot: 7 Being and intended to be the same pren. as conveyed to the party of the first part dated 6-16-2014 recorded 6-25-2014 in Liber 13089 page 219.

TOGETHER with all right, title and i crest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to be center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any wey whatever, except as aforesaid.

AND the party of the first part, in comp i (ace with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this converse and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Sec. Contraction			
1 /	$\overline{}$	$\sim$	
	/		
Mikhail Ruvins	ky Z	~	

Limite	Durinela	

## ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of NASSAU , ss:

On the 26 day of SEPTEMBER in the year 2019, before me, the

undersigned, personally appeared Mikhail Ruvinsky

Emily Ruvinsky personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that

by his/her/their signature(s) on the instrument, the individual(s), or the person upon behall of which the individual(s) acted, executed the instrument. ALEX SAJOVITS Notary Public, State of New York

No. 015A6255827 Qualified in Nassau County Commission Expires February 13, 20, 27

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year . before me, the undersigned, a Notary Public in and for said State, personally appeared , the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they  $k\pi ow(s)$ 

to be the individual described in and who executed the foregoing instrument: that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

### Bargain and Sale Deed With Covenants



On the day of in the year , before me, the undersigned, personally appeared

. personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

### ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of	, County of		, ss:				
*(Or insert	District	oſ	Columbia,	Territory.	Possession	or	Forcign
County)							

On the day of in the year before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies). that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 41 BLOCK: 112 LOT: 7 COUNTY OR TOWN: Nassau

Title No. STN-1985

Mikhail Ruvinsky and Emily Ruvinsky TO Shmuel B. Weiss & Raizel Weiss

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### Title No: STN-1985

1212-011

### SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the in the Incorporated Village of Woodsburgh, Town of Hempstead, County of Nassau and State of New York bounded and described as follows:

**BEGINNING** at a point on the new southerly side of Hempstead Bay Drive, at the extreme easterly end of the curve connecting the new southerly side of Hempstead Bay Drive with the easterly side of Hickory Drive;

**RUNNING THENCE** along new southerly side of Hempstead Bay Drive the following two courses and distances;

- 1. North 88 degrees 03 minutes East 70.294 feet
- 2. North 85 degrees 13 minutes east 69.970 feet;

THENCE south 4 degrees 47 minutes east 120 feet;

**THENCE** south 28 degrees 00 minutes west 126.621 feet to the northeasterly side of Hickory Road;

**THENCE** along the northeasterly and easterly sides of Hickory Road the following three courses and distances;

- 1. North 62 degrees 00 minutes west 92.683 feet;
- Northwesterly along the arc of a circle bearing to the right having a radius of 33.286 feet a distance of 36.019 feet;
- North 0 degrees 00 minutes East 139.997 feet to the extreme southerly end of the arc connecting the new southerly side of Hempstead Bay Drive with the easterly side of Hickory Road;

**THENCE** Northeasterly along the arc of a circle bearing to the right having a radius of 10.346 feet a distance of 15.889 feet to the new southerly side of Hempstead Bay Drive the point or place of **BEGINNING.** 

### For Information Only:

SAID premises known as 847 Ivy Hill Road, Woodsburgh, New York.

