

Incorporated Village of Woodsburgh Board of Zoning Appeals

In the matter of the application of owner name(s) as per the Deed: **Stuart and Miriam Samuels**.

For a variance(s) of section(s): VILLAGE CODE(S) **150-39, 150-47. B, and 150-47.H** of the Village Code of the Incorporated Village of Woodsburgh.

To: The Board of Zoning Appeals Incorporated Village of Woodsburgh,

The petition of **Stuart and Miriam Samuels** respectfully alleges as follows:

The petitioner(s) own the property which is the subject of this application located at **900 Barberry Lane**. The premises is also designated as Section **41**, Block **61**, Lot(s) **05**, on the Nassau County land and taxmap. 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 **construct an inground swimming pool with patio, fencing, and pool equipment**. (State reason of why relief is being sought, (e.g.) hardship).
2. The subject property has had prior variance requests such as **additions to the existing dwelling**.
3. The subject property was granted previous variances of:
 - A. **150-10, 47 ft front yard setback, where 50 ft is required;**
 - B. **150-11, 16.4 ft side yard setback, where 20 ft is required;**
 - C. **150-13.1, 0.42 front height/setback ratio, where 0.44 is required;**
 - D. **150-13.2, 1.19 side height/setback ratio, where 1.05 is required;**
 - E. **15-13.3, 5,809 square feet floor area, where a maximum of 4,786 square feet is permitted;**
 - F. **150-39(A) (1), 18% lot coverage, where a maximum of 15% is permitted;**
 - G. **150-39(B), 8,205 square feet impervious coverage, where a maximum of 6,589 square feet is permitted;**
 - H. **150-39(C), Where the area of all lawful buildings, structures, uses or impervious site coverage exceeds the maximum area permitted to be occupied pursuant to Subsection A or B of this section, none of such buildings, structures, uses or impervious site coverage shall thereafter be altered or enlarged in height, depth or width;**
 - I. **150-43.1(B) to permit enlargement of an existing non-conforming dwelling in a non-conforming manor.**
4. The subject property was denied previous variances of: **None**

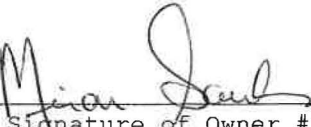
5. The petitioner's architect/engineer John Capobianco, located at 159 Doughty Blvd, Inwood NY 11096, has prepared plans for, **construction of an inground swimming pool with patio, fencing, and pool equipment.**
6. The application to **construct an inground swimming pool with patio, fencing, and pool equipment** was made and denied by the Building Inspector for the following:
 - a. Village Code §150-39. Impervious Site Coverage, states: the maximum impervious site coverage for a lot size of 20,169.63 square feet is 6,600.5 square feet. The proposed impervious site coverage is 7,742.75 square feet, an excess of 1,142.25 square feet.
 - b. Village Code §150-47. B Swimming Pools, states: No swimming pool shall be constructed or erected unless a permit for the same shall have been issued by the Board of Appeals of the Village of Woodburgh.
 - c. Village Code §150-47.H Swimming Pools, states: No swimming pool shall be built or maintained except in a rear yard as defined by the Building Zone Ordinance of the village. The pool, including the fences surrounding it and the foundation for the purifying apparatus, if any, shall be located not less than 25 feet from the rear lot line and not less than 25 feet from the side property lines of the premises or, in the case of a corner lot, not less than 25 feet from any property line along an abutting street.
 - c.1. The proposed swimming pool is located 10 feet from the rear property line, where 25 feet is required.
 - c.2. The proposed swimming pool enclosure fencing is located 8 feet from the side property lines, where 25 feet is required.
 - c.3 The proposed swimming pool enclosure fencing is located 4 feet from the rear property line, where 25 feet is required.
 - c.4 The proposed swimming pool enclosure fencing is located in the side yards, where the pool and its fencing shall be located in a rear yard.
 - c.5 The proposed pool equipment is located in the side yard, where the equipment shall be located in the rear yard.
1. 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 Woodburgh.
2. 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.



 Signature of Owner

11/27/23

 Date



 Signature of Owner #2

11/27/23

 Date

DISCLOSURE AFFIDAVIT
General Municipal Law §809

BOARD OF ZONING APPEALS
VILLAGE OF WOODSBURGH

In the Matter of the application of
Owner(s): Stuart & Miriam Samuels

STATE OF NEW YORK:
ss:
COUNTY OF NASSAU :

Stuart & Miriam Samuels 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 27th day of November, 2023

Maal Qz

(NOTARY PUBLIC)

[Signature]
(SIGNATURE)
Miriam Samuels
(SIGNATURE)

NOEL QUILES JR
Notary Public - State of New York
No. 01QU6028833
Qualified in Nassau County
Commission Expires 08/02/2018

*Inc. Village of Woodsburgh
Board of Zoning Appeals*

STATE OF NEW YORK
COUNTY OF NASSAU

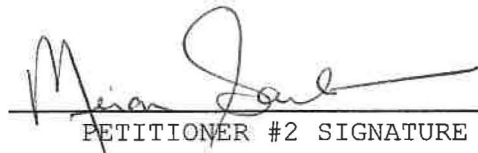
SS.;

PETITIONER VERIFICATION

I (WE), Stuart Samuels (AND Miriam Samuels),
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 27th DAY
OF November 2023



NOTARY PUBLIC, NASSAU COUNTY

SWORN TO BEFORE ME THIS 27th DAY
OF November 2023



NOTARY PUBLIC, NASSAU COUNTY

NOEL QUILES JR
Notary Public - State of New York
No. 01QU6028833
Qualified in Nassau County
Commission Expires 08/02/2013

25

NOEL QUILES JR
Notary Public - State of New York
No. 01QU6028833
Qualified in Nassau County
Commission Expires 08/02/2013

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Inc. Village of Woodburgh
Authorization to Zoning Board

Property Address: **900 Barberry Lane**

Owner(s): **Stuart & Miriam Samuels**

"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."

Signature (Owner)

11/27/23

Date

Signature (Representative)

11/27/23

Date

Signature (Owner #2)

Date

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: Samuels - Inground Pool			
Project Location (describe, and attach a location map): 900 Barberry Lane			
Brief Description of Proposed Action: Construct an inground swimming pool with patio, fencing and pool equipment in the rear yard.			
Name of Applicant or Sponsor: Stuart & Miriam Samuels		Telephone: E-Mail: 	
Address: 900 Barberry Lane			
City/PO: Woodsburgh, 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"/>
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:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.46 acres			
b. Total acreage to be physically disturbed? _____ 0.21 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.46 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?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<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	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Drywell system _____			

Inc. Village of Woodsburgh

Board of Zoning Appeals

I, Richard Runge, Alley Pond Designs, appear on behalf of
(Architect or Attorney -Print Name)

Stuart & Miriam Samuels, owner(s) of
(Owner(s) of Property)

900 Barberry Lane , Woodsburgh, to seek
(Address of Property)

a variance from the Woodsburgh Board of Zoning Appeals.

Date: _____ DAY OF _____, 20____

(Signature of Architect/Attorney)

(Address)

(Telephone Number)

(Email)

STUART SAMUELS

Owner #1 Name (Print)

[Signature]

Owner #1 (Signature)

11/27/23

Date

MIRIAM SAMUELS

Owner #2 Name (Print)

[Signature]

Owner #2 (Signature)

11/27/23

Date



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

November 13, 2023

Mr. & Mrs. Stuart Samuels
900 Barberry Lane
Woodmere, NY 11598

Re: Swimming Pool Application Denial
Sec 41 Blk 61 Lot 05.

Dear Applicants:

We hereby deny your application to construct an inground swimming pool. Our denial is based on the non-conformance with the following sections in the Zoning Code of the Inc. Village of Woodsburgh.

1. **Village Code §150-39. Impervious Site Coverage**, states: the maximum impervious site coverage for a lot size of 20,169.63 square feet is 6,600.5 square feet.
 - a. The proposed impervious site coverage is 7,742.75 square feet, an excess of 1,142.25 square feet.
2. **Village Code §150-47. B Swimming Pools**, states: No swimming pool shall be constructed or erected unless a permit for the same shall have been issued by the Board of Appeals of the Village of Woodsburgh. An application for such permit shall be accompanied by plot, site and building plans of such pool showing dimensions, design, location and use of all structures, equipment, drainage, sanitary filtration, water supply and disposal facilities, fencing, covering of pool and such other information as may be required by said Board.
3. **Village Code §150-47.H Swimming Pools**, states: No swimming pool shall be built or maintained except in a rear yard as defined by the Building Zone Ordinance of the village. The pool, including the fences surrounding it and the foundation for the purifying apparatus, if any, shall be located not less than 25 feet from the rear lot line and not less than 25 feet from the side property lines of the premises or, in the case of a corner lot, not less than 25 feet from any property line along an abutting street.
 - a. The proposed swimming pool is located 10 feet from the rear property line, where 25 feet is required.
 - b. The proposed swimming pool enclosure fencing is located 8 feet from the side property lines, where 25 feet is required.
 - c. The proposed swimming pool enclosure fencing is located 4 feet from the rear property line, where 25 feet is required.
 - d. The proposed swimming pool enclosure fencing is located in the side yards, where the pool and its fencing shall be located in a rear yard.
 - e. The proposed pool equipment is located in the side yard, where the equipment shall be located in the rear yard.

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 8 copies of the application, related documents, plans, one PDF via email (Dana@woodsburghny.com) or on a thumb drive and a filing fee of \$2,220.

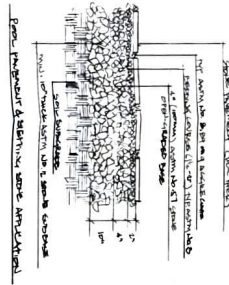
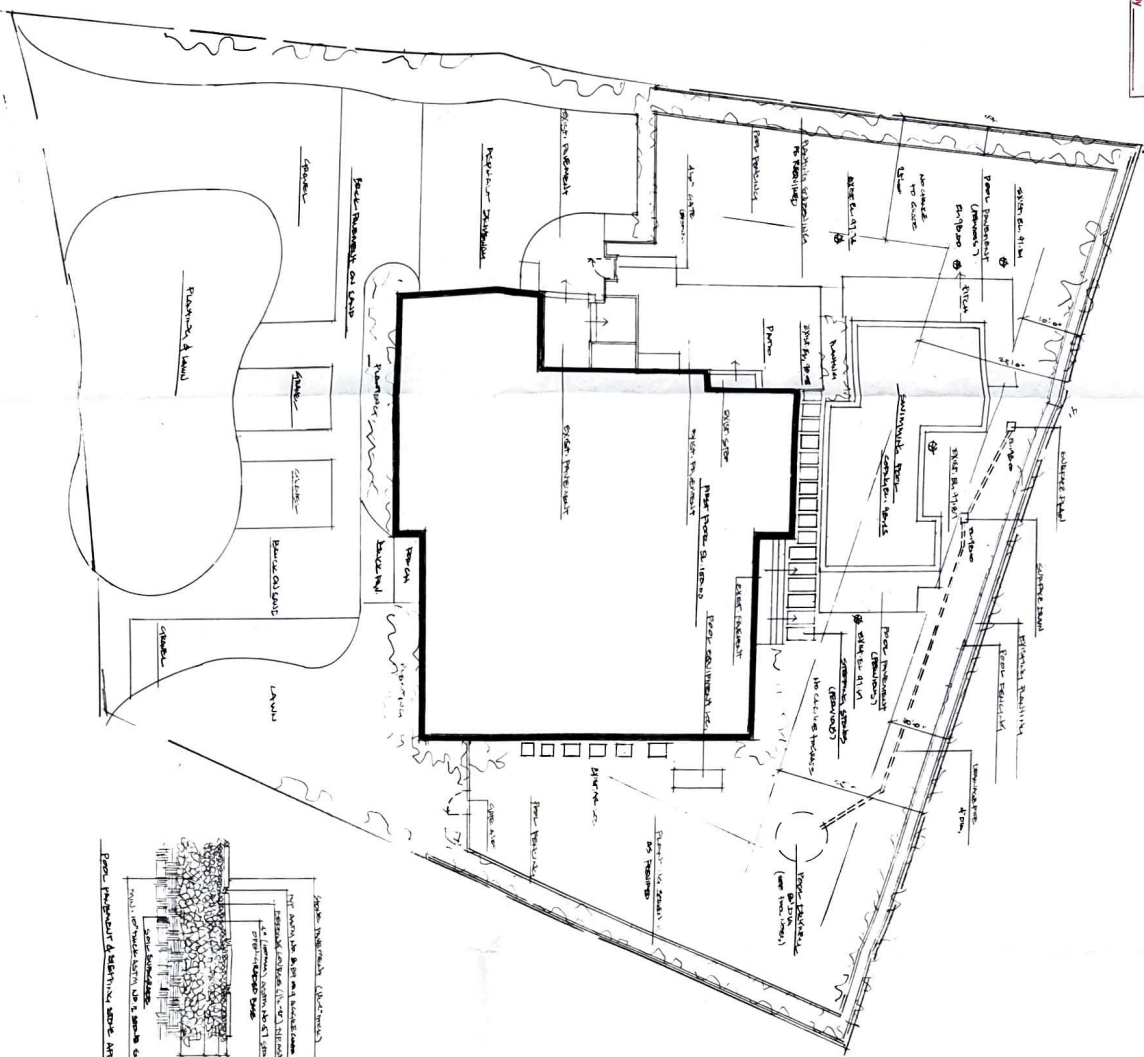
Regards,

Dennis Fromigia
Building Inspector

CC: Richard Runge, Alley Pond Nurseries

LANDSCAPE PLAN

SAMUELS RESIDENCE
900 BARBERRY LANE
WOODSBURGH NY



Existing pool location. Existing pool location would be set at an angle of 1-1/2" above existing ground level. The pool is to be constructed on a concrete base. The pool is to be constructed on a concrete base. The pool is to be constructed on a concrete base.

SEC. 41 BLK. 61 LOT 5

NO.	DESCRIPTION	AMOUNT	TOTAL
1	LANDSCAPE PLAN	1,200.00	1,200.00
2	PLANTING	1,500.00	2,700.00
3	POOL	10,000.00	12,700.00
4	DECK	2,000.00	14,700.00
5	PATIO	1,000.00	15,700.00
6	DRIVEWAY	1,000.00	16,700.00
7	LAWN	1,000.00	17,700.00
8	TOTAL		17,700.00

Pool and Deck Details: Pool and Deck Details. The pool is to be constructed on a concrete base. The pool is to be constructed on a concrete base. The pool is to be constructed on a concrete base.

Deck and Patio Details: Deck and Patio Details. The deck is to be constructed on a concrete base. The deck is to be constructed on a concrete base. The deck is to be constructed on a concrete base.

Driveway and Lawn Details: Driveway and Lawn Details. The driveway is to be constructed on a concrete base. The driveway is to be constructed on a concrete base. The driveway is to be constructed on a concrete base.

alleypond
nirx@er.net
1600 West 10th Street, Suite 100
Boulder, CO 80501 / Phone: 303.440.1000