

MINUTES
BOARD OF APPEALS
VILLAGE OF HEWLETT BAY PARK
30 PIERMONT AVENUE
HEWLETT BAY PARK, NEW YORK

December 1, 2022

Present: Leonard Schiffman, Chair
Stella Gershfeld and Lee Schlusell, Members
Dana Garraputa, Deputy Village Clerk
Brian S. Stolar, Esq., Village Attorney (via Zoom)
Dennis Fromigia, Building Inspector (via Zoom)

The meeting was called to order at 7:02 p.m.

The Board opened the continued public hearing on the application of Herrick Lipton, 209 Cedar Ave, Hewlett Bay Park, New York, to construct a new dwelling, pool house, swimming pool, patio, and sport court , where such construction requires a variance of Village Codes (a) §146-9(c)(b), to permit a sports court to be constructed 30 feet 3 ¾ inches from the rear property line, where a minimum setback of 35 feet is required, (b) §146-10, to permit three air conditioning units to be 26 feet from the side property line, where there shall be a minimum setback of 30 feet, (c) §146-12, (i) to permit a side height setback ratio on the south side of 1.42, (ii) to permit a north side height setback ratio of 0.95, where a maximum of 0.85 is required, (d) §146-18, (i) to permit a south side yard setback from the egress window well to be 15 feet, (ii) to permit a south side yard setback from the dwelling to be 20 feet, (iii) to permit a south side yard setback from the rear raised patio to be 20 feet, (iv) to permit a south side yard setback for the front porch to be 20 feet, where a minimum side yard setback is 30 feet. Premises are designated as Section 41, Block 004, Lot 04 on the Nassau County Land and Tax Map.

The applicant submitted revised plans resulting in modifications to the required variances as follows:

- (a) 146-9(c)(b) – this variance has been eliminated;
- (b) 146-10 – the units are now 28 feet from the side property line (instead of 26 feet);
- (c) 146-12 – ratio reduced to 0.94 on the south side (instead of 1.42);
- (d) 146-18 - side yard setbacks modified as follows:
 - (i) egress window setback increased to 25 feet (instead of 15 feet);
 - (ii) dwelling setback now compliant;
 - (iii) raised patio setback now compliant; and
 - (iv) front porch setback now compliant.

During the hearing, the applicant agreed to further modify the height of the dwelling by reducing it by 1 foot, thus reducing the height setback ratio on the south side to 0.91 and on the north side to 0.92.

The minutes of the hearing were stenographically transcribed. The Board closed the hearing, and reserved decision.

The Board noted that the owners of 170 Woodside Drive requested an adjournment to provide time to prepare revised plans. The Board adjourned the public hearing to January 24, 2023, at 7:00pm.

The Board opened the public hearing on the application of 1335 Paine Rd LLC, 1335 Paine Road, Hewlett Bay Park, New York, to maintain an extension over an existing garage, which requires variances of (a) Village Code §146-12(B), to permit a height setback ratio of 0.958, where a maximum of 0.85 is permitted, and (b) Village Code §146-18, to permit a side yard setback of 18.7 feet, where a minimum of 30 feet is

required. Premises are designated as Section 42, Block 191, Lot 12 on the Nassau County Land and Tax Map.

The applicant was represented by Sharon Apsis, and included testimony from an architect and real estate consultant. The minutes of the hearing were stenographically transcribed.

The applicant's representatives submitted a report regarding the property. After hearing the testimony and comments of interested parties, on motion of Mr. Schlussel, seconded by the Chair, and adopted unanimously, the Board continued the public hearing to January 24, 2023, to permit a review of the submitted documentation and conduct a further site visit.

The Board discussed the Lipton application. After such discussion, on motion made by the Chair, seconded by Mr. Schlussel, 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, and, in accordance with the short-form format authorized by Village Code §146-33.1, granted variances as follows: (a) 146-10, to permit the three air conditioning units to be 28 feet from the side property line, (b) 146-12, to permit a south side height setback ratio of 0.91 and a north side height setback ratio of 0.92, and (c) 146-18, to permit an egress window to be setback 25 feet from the side property line, subject to the following conditions: (i) the work shall be constructed in conformity with the amended plans, as the Board grants herein only those amended variances as identified above, (ii) no later than six (6) months after the filing of this decision with the Village Clerk the property owner shall obtain all required licenses and permits, and (iii) no later than one (1) year from the date of permit

issuance, the property owner shall obtain all required certificates of occupancy and/or completion, to the extent approved herein.

There being no further business, the meeting was adjourned at 8:34 p.m.

THE ABOVE MINUTES WERE FILED IN THE
OFFICE OF THE VILLAGE CLERK OF THE
INCORPORATED VILLAGE OF HEWLETT BAY PARK AT

TIME: _____ A.M./P.M. ON

DATE: _____, 2022 BY
(Month) (Day)

Dr. Leonard Schiffman, Chairman