

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

December 7, 2021

Present: Leonard Schiffman, Chair
Michael Schamroth and Richard Rubel, Members
Dana Garraputa, Zoning Board Clerk
Steve Cherson, Building Inspector
Brian S. Stolar, Esq., Village Attorney

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

The Board opened the continued public hearing on the application of Brette Steinberg, 130 Woodside Drive, Hewlett Bay Park, New York, to construct an inground swimming pool with patio and a cabana with attached pergolas, where such construction requires variances of the following Village Code sections: (a) 146-9(C)(3-a), in that the (i) pool will be 4% of the lot area and the (ii) combined accessories will be 9%, where no individual accessory building, structure or use shall occupy more than 3% of the total lot area, exclusive of any use which is customarily or frequently under water, and all accessory buildings, structures and uses shall in the aggregate occupy an area not more than 5% of the total lot area, exclusive of any area which is customarily or frequently under water, (b) 146-9(C)(8)(c), in that the fencing will not be screened in the rear yard, where every such fence shall be properly screened with evergreen shrubs, and (c) 146-9(C)(8)(c), in that (i) the pool will be in a side yard, where pools are required to be in a rear yard, (ii) the pool will be 29.75 feet from the side property line, where it is required to be 30 feet, and (iii) the pool equipment will be 4.083 feet from the rear lot line, where a minimum of 35 feet is required, (d) 146-12(C) in that the height setback

ratio of the cabana will be 2.5, where the maximum is 0.80, (e) 146-13.1 in that the impervious lot coverage will be 34.9%, where the maximum is 30%, (f) 146-18, (i) in that the side yard setback for the west side pergola will be 16.83 feet, where a minimum of 30 feet is required, (ii) in that the east side pergola will be 29.58 feet from the property line, where a minimum of 30 feet is required, (g) 146-19, in that (i) the cabana will be 6 feet from the rear lot line, where a minimum 30 feet is required, (ii) the west side pergola will be 13.65 feet from the rear lot line, where a minimum 30 feet is required, and (iii) the east side pergola will be 29.58 feet from the rear lot line, where a minimum 30 feet is required. Premises are also known as Section 41, Block 04, Lot 07 on the Nassau County Land and Tax Map.

The application was presented by the applicant and Steven Affelt. The applicant had submitted revised plans. In accordance with the revised plans, (a) the proposed impervious lot coverage was reduced from 9,126 square feet to 8,355 square feet, (b) the proposed swimming pool was moved from 29.75 feet to 32.67 feet from the side property line, (c) the pool equipment was moved from 4.08 feet to 29.92 feet from the rear property line, (d) the cabana and pergola were reduced in size and height, and relocated, so that the only remaining variance relating to the cabana and the pergola (other than impervious lot coverage) was the 29.58 foot setback from the pergola to the side property line (where 30 feet is required), and (e) the applicant added screening around the fencing to eliminate the variance related to the fence screening.

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

The Board opened the continued public hearing on the application of Nalini Sinha, 49 Piermont Avenue, Hewlett Bay Park, New York, to construct a fence and

barbeque island, where such construction requires variances of the following Village Code sections: (a) 146-9(c)(6)(b), in that the fence is proposed to be 5 feet in height, where the maximum height for a fence is 4 feet, (b) 146-19, in that the rear yard setback to the barbeque island will be 9 feet, where a minimum of 35 feet is required, and (c) 146-13.1, in that the lot coverage will be 15,381 square feet, where a maximum of 14,410 square feet is permitted. Premises are also known as Section 41, Block 1, Lot 105 on the Nassau County Land and Tax Map.

The applicant was represented by Norman Wax. The applicant stated that the fence height was to be four (4) feet, and thus compliant. The applicant also indicated that it would remove the proposed covering over the barbeque island and surrounding patio area. The Board addressed a number of items requiring clarification and/or modification of the plans.

The Board continued the public hearing on January 13, 2022, at 7:00pm.

The Board discussed the Steinberg application. After such discussion, on motion duly made the Chair, seconded by Mr. Rubel, 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 variances as indicated in the amended plans, in accordance with a short-form format authorized by Village Code §146-33.1, subject to the following conditions: (a) the work shall be constructed in conformity with the amended plans, as the Board grants herein only those amended variances as identified above, (b) 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 (c) 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 8:33 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: 12-14-2021, 2021 BY
(Month) (Day)



Dr. Leonard Schiffman, Chairman