

MINUTES OF THE MEETING OF THE VILLAGE OF WESTBURY ZONING BOARD  
OF APPEALS HELD AT THE VILLAGE HALL, 235 LINCOLN PLACE,  
WESTBURY, NEW YORK ON 11TH, APRIL 2022.

PRESENT: Gary Monti  
Rod Bailey  
Jo Ann Fresa  
Dominic Abbatiello  
Maurice Tallini

Joe Brillantino  
Anna Vikse

ABSENT: Dana Boylan  
Eric Dobrin  
Anthony Bulzomi

Pledge of Allegiance commenced at 7:30pm

Anna Vikse read the continuation of application 2022-03-01 of Christopher Stasi seeks to erect an apartment building at the address known as 252 Wilson Avenue, Westbury, NY 11590, which is in violation of

**§ 248-20 Uses.** In a Residence B District the following regulations shall apply: No building may be erected, altered or used and no lot or premises may be used except for one or more of the purposes set forth in **§ 248-6** of Article **IV** of this chapter. **(3 family not permitted)**

**§ 248-22 Lot area.** The building area shall not exceed 30% of the lot area. **(Allowed 30%, Proposed 33.8%)**

**§ 248-23.1 Pavement of front yard; parking on unpaved portion.** No more than 40% of a front yard of a premises used for residential purposes shall be paved, and the parking of motor vehicles on the unpaved portion of a front yard, other than a driveway, is prohibited. **(Allowed 40%, Proposed 70%)**

**§ 248-124 Uses.** In the Business B-1 District no building shall be erected, altered, or used, and no lot or premises shall be used except in conformance with Article XVIII of this chapter. **(Residential not permitted 1<sup>st</sup> floor)**

The subject property is identified on the Nassau County Tax Map as **Section: 10, Block: 181, Lot(s): 28-31 Apartment Building Zone: Bus B21/ Res B.** It is located on the southerly side of Wilson Avenue, and westerly of Post Avenue.

Mr. Chris Stasi of 7 Francis Drive, Syosset, N.Y. came to the podium to speak to the board. Mr. Stasi showed and discussed his revision plans for the property. The property now went from 3 bedrooms to 2 larger bedrooms. In the modified plans, the plans now include brick/pavers in the front of the property, and both sides of the structure will be sided. The windows and doors on the building will now be centered. Mr. Stasi said the are neighbors are all for the project. Member Tallini then spoke and reminded Mr. Stasi that the area is still not zoned for 2+ family homes, and that it is in a transitional zone. Mr. Stasi mentioned that part of the property is in the commercial zone and feels that it is a better fit for the area to be residential than commercial. Member Bailey advised that code is code, and no 3 family homes are allowed, and the first floor should not contain residents. Mr. Stasi then mentioned that he would again try to reduce it further, and that it would be tough. Mr. Stasi again mentioned that the neighbors are happy with his plans. Chairman Monti questioned the verification of the property going from 3 bedrooms, down to 2 bedrooms. Member Abbatiello questioned the financial need of a 3-family property, opposed to 1 2 family property. He also mentioned that providing a hardship becomes harder to review due to the rules of the 2 & 3 family homes. Mr. Stasi said that he could do a garage for commercial trucks and spots for the trucks but felt the neighbors would not like that. Mr. Stasi said he will once again redo his plans and financials. Chairman Monti asked if there were any audience members for or against this property. There were no responses. Chairman Monti then asked if anyone would like to make a motion. Member Tallini made the 1<sup>st</sup> motion, Member Fresa made the 2<sup>nd</sup> motion. The board was polled and all answered aye. The application will have a continuation with new plans on May 16, 2022.

End of Application 7:50pm.

Application 2 start 7:52pm

Anna Vikse read Application 2022-04-01 Application 2022-04-01 of Basri Otar, seeks to erect a 2<sup>nd</sup> floor addition at the address known as 51 Broadmoor Lane, Westbury, NY, 11590.

Which is in violation of **§ 248-37 Front yard.**

There shall be a front yard, the depth of which shall be not less than 25 feet. In the event that any accessory building, including a private garage, which is not attached to a dwelling is constructed between the building front line of the dwelling unit and the street line of the lot, the front yard shall be the distance between the building front line of the accessory building or private garage and the front line of the lot. This definition shall in no way serve to allow accessory buildings or garages to be located in front yards in which construction is prohibited by this Code. **(Required 25' min, Proposed: 14.2')**

and **§ 248-38 Rear yard of single-family dwelling.**

There shall be a rear yard the depth of which shall not be less than 25 feet. **(Required 24' min, Proposed 23.5')** The subject property is located and identified on the Nassau County Tax Map as **Section: 10, Block: 76, Lot(s): 107.** The subject property is located on the northerly side or Broadmoor Lane, and easterly of Evelyn Ave.

Architect Bernard Rodgers of 2150 Wantagh Park Drive, Wantagh, N.Y. spoke on behalf of homeowner Basri Otar. Mr. Rodgers spoke on the desire of Mr. Otar for a 2<sup>nd</sup> floor addition with both a rear roof and front roof portico, built over existing part of the house. Mr. Rodgers then spoke of 20 other applications he researched that have similar plans as Mr. Otar's house. There were also 2 letters presented for neighbors Carbonara and Hughes, whom both live on either side of Mr. Otar's property. They were both in agreement for Mr. Otar's plans. Chairman Monti asked if there were any audience members who were for or against this property. There were no responses. Chairman Monti asked if anyone on the board would like to make a motion. Member Tallini made the 1<sup>st</sup> motion, member Abbatiello made the 2<sup>nd</sup> motion. The board was polled, and all answers were aye. This application was approved.

End of Application 2 8:00pm

#### BOARD OF APPEALS

#### VILLAGE OF WESTBURY

APPLICATION NO# 2022-04-01

#### A R E A V A R I A N C E

#### APPLICATION OF BASRI OTAR

51 BROADMOOR LANE, WESTBURY, NEW YORK 11590

#### RESOLUTION

At a regular meeting of the Zoning Board of Appeals of the Village of Westbury, Nassau County, held on the 11<sup>th</sup> day of April, 2022, the following resolution was offered by Member Tallini, who moved its adoption, and seconded by Member Abbatiello, to wit:

**WHEREAS**, the Zoning Board of Appeals of the Village of Westbury has received an application from Basri Otar, for a variance of the Village Code, Chapter 248, Section 248-37, which requires a front yard depth of at least 25 feet (proposed: 14.2 feet); and Section 248-38, which requires a rear yard depth of at least 24 feet (proposed: 23.5 feet), to construct a second story addition, front portico and rear portico at the property known as 51 Broadmoor Lane, Westbury, New York; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has received and reviewed the application, held a public hearing and received comments related to the application; and

**WHEREAS**, in connection with such application, the Zoning Board of Appeals has determined that the action is "Type II" pursuant to the State Environmental Quality Review Act ("SEQRA"), and therefore that no further action is needed pursuant to SEQRA; and

**WHEREAS**, the Applicant submitted letters of consent from the residents of several neighboring properties; and

**WHEREAS**, the Zoning Board of Appeals has given due deliberation to the application and has performed the required balancing tests and has considered the benefit to the applicants if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, and made the following findings:

- (1) The proposed variance will not produce an undesirable change in the character of the neighborhood and will not result in a detriment to nearby properties. Many houses in the surrounding area have similar front and rear yards.
- (2) The benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue.
- (3) The area variances requested are not substantial, and are within Board precedent.
- (4) The proposed variance will not have an adverse effect or impact on physical or environmental conditions in the neighborhood.
- (5) The difficulty is not self-created. The property is irregular, and the front and rear of the house are not parallel to the property lines.
- (6) We hereby determine that it is necessary to approve this variance, as it meets the majority of the factors outlined above, and approving the variance will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Basri Otar, for a variance of the Village Code, Chapter 248, Section 248-37, which requires a front yard depth of at least 25 feet (proposed: 14.2 feet); and Section 248-38, which requires a rear yard depth of at least 24 feet (proposed: 23.5 feet), to construct a second story addition, front portico and rear portico at the property known as 51 Broadmoor Lane, Westbury, New York, is hereby **approved** for the reasons stated above.

**DECISION**

The question of the foregoing resolution was duly put to a vote as follows:

Chairperson Monti	-Aye	
Member Bailey		-Aye
Member Tallini		-Aye
Alternate Member Fresa		-Aye
Member Abbatiello		-Aye

Dated: April 11, 2022  
Westbury, N.Y.

Filed: April 22, 2022  
Westbury, N.Y.