

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 10th, JANUARY 2022.

PRESENT: Gary Monti
Maurice Tallini
Rod Bailey
Jo Ann Fresa
Anthony Bulzomi
Eric Dobrin

Joe Brilliantino
Anna Vikse

ABSENT: Dominic Abbatiello

Pledge of Allegiance commenced at 7:30pm

Anna Vikse read Application 2022-01-02 of Steven Sebastopoli, seeks to erect a 2nd story addition at the property known as 114 Harvard Street, Westbury, NY, 11590 which is in violation of **Chapter 248, Article IV, Section 248-11: Side Yards**; In the case of a single-family dwelling, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 30 feet. Neither side yard shall be less than 12 feet wide; provided, however, that in the case of a lot held in single and separate ownership at the effective date of this chapter and of a width of less than 75 feet and/or a depth of less than 100 feet, six inches may be deducted from the required aggregate width of the side yards for each foot in width that such lot shall lack of the said 75 feet, but no side yard shall be less than eight feet wide for all lots with frontage of 50 feet or more or less than five feet wide for lots with frontage of less than 50 feet, and/or six inches may be deducted from the required depth of the rear yard for each foot in depth that such lot shall lack of the said 100 feet, but the depth of such rear yard shall in no case be reduced thereby to less than 15 feet. **(Required: 30'/12', Proposed: 25.1'/8.3)**. The subject property is located and identified on the Nassau County Tax Map as **Section: 10, Block: 116, Lot(s): 71**. The subject property is located on the southerly side of Harvard Street, and easterly of Carle Road.

Mr. Sebastopoli spoke in front of the board, his desire to add a second-floor extension over an existing extension. He advised his plans are for adding to bedrooms on the second level. Chairman Monti about the character in the neighborhood, Mr. Sebastopoli advised it would. Chairman Monti asked if there were any audience members for or against this addition. There were no responses. Member Dobrin made the first motion, second by member Tallini. The board was polled, all answered aye. This application was approved.

7:38 end time for this application.

BOARD OF APPEALS

VILLAGE OF WESTBURY

APPLICATION NO# 01-01-2022

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

APPLICATION OF STEVEN SEBASTOPOLI
114 HARVARD STREET, 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 10th day of January, 2022, the following resolution was offered by Member Dobrin, who moved its adoption, and seconded by Member Tallini, to wit:

WHEREAS, the Zoning Board of Appeals of the Village of Westbury has received an application from Steven Sebastopoli, for a variance of the Village Code, Chapter 248, Section 248-11, which requires two side yards, each of which must be at least 12 feet, the aggregate widths of which must be at least 30 feet (proposed: 8.3 feet single side, 25.1 feet aggregate), to construct a second story addition at the property known as 114 Harvard Street, 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 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 additions, with similar side 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 proposed extension will be built over an existing garage, and will not increase the side yard setback.
- (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 Steven Sebastopoli, for a variance of the Village Code, Chapter 248, Section 248-11, which requires two side yards, each of which must be at least 12 feet, the aggregate widths of which must be at least 30 feet (proposed: 8.3 feet single side, 25.1 feet aggregate), to construct a second story addition at the property known as 114 Harvard Street, 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
Member Dobrin	-Aye
Alternate Member Bulzomi	-Aye

Dated: January 10, 2022
Westbury, N.Y.

Filed: January 26, 2022
Westbury, N.Y.

7:40pm start of the second application

Anna Vikse read Application 2022-01-02 of Assaf Ran of Westbury Holdings 1 LLC, seeks to erect two proposed dormers in the attic to provide for 2 new studio apartments at the address known as 213 School Street, Westbury, NY, 11590, which is in violation of **Chapter 248, Article XXVII, Section 248-232B – Nonconforming uses:** Continuation; abandonment; restoration; unsafe structures. **(1)** Restoration of nonconforming uses. A lawful use which is rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code may be continued, provided that it is not abandoned or destroyed as to 50% or more of the building square footage for all buildings located on the site used for such nonconforming use. If a nonconforming use is abandoned or destroyed as to 50% or more of the building square footage for all buildings located on the site used for such nonconforming use, it may not be resumed. The increase or expansion of a nonconforming use is prohibited. **(2)** Restoration of nonconforming structures. Any lawful building or structure or portion of such building or structure rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code, which is damaged or destroyed as to less than 50% as reflected in the square footage of the nonconforming building prior to the damage or destruction, by fire, flood, high winds or other accident or natural causes, may be repaired or rebuilt on the same building footprint and to the same dimensions, including height, provided such repair or rebuilding is completed within 12 months of the date of damage or destruction. The total square footage of such rebuilt structure shall not exceed the total square footage of the building that was damaged or destroyed.

Chapter 248, Article XIV, Section 248-143 Side and rear yards. There shall be side and rear yards, the respective depths of which shall not be less than 10 feet, except where adjoining a residential zoning district, in which case the depth of such yard shall not be less than 20 feet. **(Required 20', Actual 11.9')**

Chapter 248, Article XIV, Section 248-145 Floor area ratio - The floor area ratio of a lot shall not exceed 0.50. **(Allowed .50, Proposed .63), Chapter 248, Article XIV, Section 248-149 Floor Area -** Each dwelling unit, if any, located in a building erected in

this district shall provide a minimum clear floor area of the following square footage: **(A studio proposed, Required 500 sq ft, 429 sq ft Proposed)**

Chapter 248, Article XXXI, Section 248-267 (A) All structures and land use hereafter erected, enlarged or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of this article, to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking facilities and, where required, loading, and unloading spaces shall have been laid out in accordance with the appropriate requirements for structures and uses, as set forth in this article. As used herein, parking facilities shall be constructed to include loading and unloading spaces required by this article. **(Required 14 spaces, Proposed 12 spaces)**

Chapter 248, Article XXXI, Section 248-272 A. Each required parking space shall be not less than nine feet wide nor less than 20 feet long, except that not more than 20% of the area devoted to required parking may have stalls for compact cars, and such stalls would have minimum dimensions of eight feet in width and 15 feet in length, provided that such spaces are conspicuously posted by signs indicating that such spaces are for small cars only. The subject property is located and identified on the Nassau County Tax Map as **Section: 10, Block: 227, Lot(s): 223**. The subject property is located on the westerly side of School Street and 0 feet southerly of Madison Street.

Erik Snipas esq. represented Assaf Ran for this property, along with architect Jim Prisco. Mr. Snipas presented to the board the plan of Mr. Ran, is to add a dormer on the third floor on 213 School Street. Mr. Snipas explained that the property is 9131sq ft, 2 ½ stories and the 3rd floor consists of 3 apartments that are currently vacant. The plan is to add 2 dormers, remove 1 of the unit apartments, to create 2 studio apartments. There would not be an expansion of the footprint or changes to the existing property, or surrounding properties, it will only have an impact on the third floor. Chairman Monti asked about the 3 apartments, and advised this property was probably on old farmhouse. Mr. Snipas advised that the plan is only for 2 studio apartments and that the 3rd unit was only going to be used for storage. Chairman Monti mentioned the need for egress windows on the 2 proposed apartments and questioned the need or a sprinkler system in the building. Westbury Building Department Joe Brilliantino said he would so research to see if the building needs a sprinkler system, as they are doing away with fire escapes. Member Bailey mentioned that a building constructed today, over 3000sq ft would require a sprinkler system. Questions from the board arose regarding the current units in the building. 4 units with 5 kitchens. Mr. Snipas mentioned the 1st floor had 5 units, the 2nd floor had 5 units and the 3rd floor has 3 units, which are not occupied. There was also mention that any property with 12 units would require a dumpster. The board then went to question about the parking situation. Mr. Snipas advised that there are an existing 11 parking spots, and the rest of the tenants would need to find street parking. The board mentioned that Maple and Madison Avenues have no parking restrictions. An engineer study report was conducted, and the study noticed that not all tenants had automobiles. It was mentioned that this property is only .4 miles away from the Westbury LIRR station. Member Bailey mentioned the need for at least 1 handicap accessible parking spot. The redesign plan would result in a parking lot with 14 spaces only for residents in the building. In closing, Mr. Snipas mentioned that the 2 proposed dormers would not create an issue in the neighborhood. Chairman Monti asked the audience if anyone was for or against this application. There were no responses. The board decided to reserve a decision up to at least 62 days, however it will most likely be made sooner. Member Dobrin made the first motion; member Bulzomi made the second motion. The board was polled, and all were aye for a reserved decision. The board will meet on Monday, February 28, 2022 with a decision, if not made beforehand.

Meeting ended and closed at 8:36pm